SELECTION OF PAPERS

FROM THE

RECORDS AT THE EAST-INDIA HOUSE,

RELATING TO THE

REVENUE, POLICE,

AND

CIVIL AND CRIMINAL JUSTICE,

UNDER THE

COMPANY'S GOVERNMENTS IN INDIA.

VOL. IV.

LONDON:
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1826.

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BENGAL JUDICIAL SELECTIONS.

EXTRACT JUDICIAL LETTER *from the* BENGAL GOVERNMENT *to the* COURT OF DIRECTORS,
Dated the 3d November 1820.

Judicial Letter from Bengal, 3 Nov. 1820.

Lower Provinces.

Court of Requests.

Para. 96. On our proceedings of the 16th April 1819 (Civil Consultations) will be found a minute recorded by the Governor-General, proposing to the Board the extension of the jurisdiction of the Court of Commissioners for the Recovery of small Debts to the sum of four hundred rupees, such being the highest amount to which the jurisdiction of that court could be extended under the 17th section, cap. 79, of the 39th and 40th George III.

97. Your Honourable Court will observe, that the arrangement in question, which was suggested on consideration of the heavy expense attending the recovery of disputed debts and demands of a small amount in the Supreme Court, and the increased trade and population of Calcutta, met with the entire concurrence of the other members of Government.

98. This arrangement rendered it essentially necessary that a fourth Commissioner should be attached to the court: we have accordingly appointed Mr. C. W. Brietzeke to that situation.

99. Mr. Brietzeke has been precluded from holding any other office, and from engaging in any employment which might interfere with the appropriation of the whole of his time and attention to his duties as a Commissioner; and we resolved on this occasion that the same rule should be enforced with regard to all individuals who might hereafter be appointed to the same office.

100. We judged it expedient, at the same time, to regulate the salaries of the Commissioners according to the following scale:

Senior Commissioner	Rupees 1,400	per mensem.
Second and third Commissioner...............	1,200	do.
Fourth Commissioner	1,000	do.

and also to direct, that under ordinary circumstances the Commissioners should succeed, on the occurrence of a vacancy, according to the priority of their respective appointments. But we have, of course, reserved to ourselves the right of deviating from this rule, whenever it might be deemed expedient to reward the peculiar merits and zealous services of any individual.

101. The present opportunity appeared to us a favourable one for obtaining the revision of the rule of proceeding and practice relating to the institution of suits, the execution of the various processes, judgments, and orders of the court, the payment of diet money, and the discharge of prisoners. We accordingly directed the Commissioners, in communication with the Advocate-General, to institute an inquiry into the above point. We at the same time signified to the Commissioners our wish, that the amended rules should be clearly arranged and embodied in a proclamation for general information.

102. Our orders of the 16th April 1819 (Civil Consultations, Lower Provinces) issued on this occasion will apprize your Honourable Court that the proceeds of the fees had exceeded by a considerable sum the amount of expense incident to the court, and that the balance had been paid into the public treasury.

103. Your Honourable Court will, we doubt not, coincide with us in the expression of regret with which we have contemplated the long diversion of these surplus funds from their legitimate purpose, the convenience of the community, from which they are derived.

Judicial Letter from Bengal, 3 Nov. 1820.

Lower Provinces.

Court of Requests.

104. By a reference to the above-mentioned document, your Honourable Court will perceive that the state of the jail of the Court of Requests called in an especial manner for improvement. We directed, accordingly, that such improvements as were requisite should be effected through the usual channel, and that the expense incurred should be defrayed from the surplus proceeds of the fees in 1817-18 and previous years.

105. Whilst we thus disposed of a portion of the surplus proceeds of former years, we prepared to carry our views towards the convenience of the community still further, and to exempt them from some portion of the expense of litigation, from whence these fees are derived, and we accordingly called the especial attention of the court and of the Advocate-General to this subject.

106. It is unnecessary to occupy the time of your Honourable Court by a repetition of the suggestions contained in our orders on this part of the subject. We only remark in this place, that the proceeds of the fees on their reduced scale, which may remain after defraying all the expenses of the court, are to be placed at the disposal of the Lottery Committee, for the same purposes, and under the same rules as the surplus proceeds of the lotteries.

107. The proceedings noted in the margin * contain the reports and other documents which the Commissioners had been called upon to furnish by the orders above alluded to. It having appeared to us of importance that the practice of the court, according to which the business was conducted by the several Commissioners sitting separately, should be publicly recognized as agreeable to law, we referred that point, as well as the subject of imprisonment of debtors, to the particular consideration of the Advocate-General.

108. The proceedings of the annexed date† contain our orders on the above points and the reply of the Advocate-General, together with our final orders and resolution on the whole of the document before us.

109. With reference to the tenour of Mr. Spankie's sentiments, we have refrained from introducing into the proclamation any specific provision for enabling the Commissioners of the Court of Requests to hear and determine causes separately from each other; but upon a reference to the statement of cases brought under the cognizance of this tribunal, your Honourable Court will, we doubt not, be persuaded of the necessity of the formal recognition of this measure to the due dispatch of business. We avail ourselves, accordingly, of the present opportunity to refer the subject to your Honourable Court, with the view of obtaining an enactment of the Legislature to legalize the practice.

110. The draft of the proclamation above alluded to will apprise your Honourable Court of the principal alterations which the information furnished by the court, and our chief Secretary's personal communications with Mr. Spankie, induced us to make in the rules of practice acted upon by the court. Your Honourable Court will perceive with pleasure, that the rate of costs has been adjusted upon a principle favourable to suitors, whilst the amount to be realized will still, it is hoped, be sufficient to meet the fixed and contingent charges of the court, and that further rules have been adopted for regulating the payment of diet money, and for fixing the periods of imprisonment in the execution of judgments, on a scale moderate in itself and regulated by the amount of the unsatisfied debt.

111. Upon similar principles, we have given our sanction to the exercise of a power by the Commissioners of reducing, or altogether remitting, the expenses incurred by parties, whenever they may see solid grounds for granting an indulgence in favour of any poor claimants in well-founded actions, and of fair and innocent, but unfortunate debtors.

EXTRACT

* Civil Consultations, 29th October 1819. † Ibid.

EXTRACT JUDICIAL LETTER *from the* COURT *of* DIRECTORS *to the* BENGAL GOVERNMENT,

Dated the 20th October 1824.

Judicial Letter to Bengal, 20 Oct. 1824.

Lower Province

Court of Requests.

Letter from the Bengal Government to the Court, dated 3d November 1820, par. 96 to 111.—Court of Requests.

115. THE paragraphs here referred to inform us of alterations you have made in the Court of Commissioners for the recovery of small Debts, or Court of Requests at Calcutta. You have extended the court's jurisdiction as far as it could be extended under the Act of Parliament. You have raised the salary of the senior Commissioner from 1,200 to 1,400 rupees per mensem; you have appointed a fourth Commissioner with a salary of 1,000 rupees per mensem; and you have made various other arrangements relating chiefly to costs of suit, appropriation of the surplus funds of the court, and imprisonment of debtors.

116. We entirely agree with you, that in consideration of the increased trade and population of Calcutta, and of the heavy expense attending the recovery of disputed debts and demands in the Supreme Court, it was desirable to extend the jurisdiction of the Court of Requests. We also approve the raising of the senior Commissioner's salary; and if the despatch of business will be promoted by means of a fourth Commissioner, we shall not object to that addition to the establishment.

117. We are not, however, satisfied as to the utility of a fourth Commissioner. The appointment was made for the purpose of enabling the Commissioners to hold separate courts, in order to meet an increase of business which was expected to arise from the extension of the court's jurisdiction; but a doubt being known to exist as to the legality of their holding separate courts, it was at least premature to make the appointment before the doubt was resolved.

118. We regret to find that a practice of holding separate courts, which we understand to be now considered as illegal, has been in use ever since 1802. Although without such an arrangement there might be difficulty in despatching business, the utmost confusion would ensue from its adoption, if the Supreme Court should determine that the power exercised by a single Commissioner is unauthorized by Act of Parliament. We hope the Commissioners may find it not wholly impracticable to provide, consistently with the provisions of the Act of Parliament, for the full discharge of their duties; but if this object should be unattainable, and the suitors suffer material inconvenience, there seems to be no present resource, but to reduce the jurisdiction of the court to its former limit, or even still lower, leaving suits of larger amount to be taken to the Supreme Court.

119. With respect to the desire you have intimated, that we should apply for an Act of Parliament to legalize the practice adopted by the Commissioners, we will, after taking the necessary advice, communicate our determination to you in a separate despatch: in the mean time, you will direct that their proceedings be made to conform to such principles as shall have been recognized by the Judges of the Supreme Court.

120. We entirely approve the reduction made in the rate of costs, and the power given to the Commissioners, in particular cases, to reduce or to remit altogether the charges on suitors. We are, indeed, generally averse to such charges, except those which are imposed on dishonest or vexatious litigants after trial of the cause. The expenses of the court and of the jail must, of course, be defrayed from the funds arising out of the court; and the whole amount levied from the suitors should be, as nearly as possible, commensurate with the sum required for those expenses. The surplus, if any, should be paid into the treasury. The intention with which fees were established when the court was new modelled in 1802, is distinctly seen in the following extract of a letter to the Governor-General from Sir John Anstruther, the Chief Justice, through whom the court was regulated. "Nor did your Lord-"ship in considering the plan, nor did the Legislature in giving you the "special authority to new model the court, ever look at it as a source of "profit or revenue to the public. The sole object was to do justice to

"the

Judicial Letter to Bengal, 20 Oct. 1824.

Lower Provinces.

Court of Requests.

"the people at as small an expense to them as possible. It was not as a source "of profit that the fees were ordered to be paid into the treasury, but to pre- "vent the abuses which formerly existed by their being received by the indi- "vidual. Their first and legitimate application is to the fair and reasonable "expense of the establishment." We know no reason why suitors at the Court of Requests should be taxed for the benefit of any portion of the inhabitants of Calcutta, or for the community: your appropriation, therefore, of the surplus funds of the court to the same purpose as those at the disposal of the Lottery Committee (namely, the improvement of the town) was, we think, uncalled for, and we desire it may be discontinued.

121. We concur with you in opinion, that the former system of imprisonment under the authority of the Court of Requests required considerable modifications, and we approve the substance of your proclamation, and your instructions to the Commissioners, as well as the principle of the rules respecting payment of diet-money and discharge of prisoners. We are, however, not satisfied that the time during which debtors may be imprisoned for sums exceeding fifty rupees (namely, from eight to twelve months) is not too long.

122. You will direct the Commissioners to furnish periodically a report corresponding in form, as nearly as you may think fit, with the return made to you by the second Commissioner in his letter dated the 30th June 1819, regarding prisoners confined by order of the Court of Requests; and we desire that it may include an account of all persons committed to prison by the court for contempt or other cause. We know not under what limitation Commissioners are empowered to punish persons for contempt, by committing them to jail or the house of correction; but we think that the powers should be defined as distinctly as possible, and the best practicable checks should be established to prevent its being abused.

EXTRACT JUDICIAL LETTER *from the* COURT *of* DIRECTORS *to the* BENGAL GOVERNMENT,

Dated the 11*th April* 1826.

Letter from the Bengal Government, dated 7th December 1821, paras. 41 to 48, and paras. 74 to 84 of Letter dated 19th December 1822; and paras. 150 to 152 of Letter dated 10th April 1823.—Court of Requests.

Judicial Letter to Bengal, 11 April 1826.

Lower Provinces.

34. OUR sentiments regarding the new arrangements in the Court of Requests have been communicated to you in our letter of the 20th October 1824. We observe with satisfaction, that those arrangements have been attended with success. The number of prisoners confined for debt has much diminished, and the management of the jail is excellent; the resort of the public to the court increases; the business of the court is conducted with expedition and regularity; and notwithstanding the reduction of fees, the receipts are more than sufficient to defray the whole expense of the establishment.

35. We are fully disposed to authorize all necessary disbursements for purposes connected with this most useful institution, and it is obvious that a court of justice, where more than four thousand suits are disposed of in a month, and four hundred writs issued in a day, must require a large establishment and a spacious court-house. We are, however, not satisfied as to the propriety of some of the charges incurred on account of the Court of Requests.

36. For the court-house you pay no less a sum than 850 rupees monthly, and you have agreed to take a lease of the premises at this rate for the unexpired term of the Charter.

37. For the purchase of land to enlarge the premises at the jail you have expended more than 35,000 rupees, although the number of prisoners for whom accommodations is required does not amount to one hundred and fifty.

38. We are by no means satisfied of the utility of the newly created office of Registrar of Compromises, to which a monthly salary of three hundred and fifty rupees has been attached. You had remarked that a large proportion of the

Judicial Letter to Bengal, 11 April 1826.

Lower Provinces.

Court of Requests.

the suits were compromised by the parties, and you were of opinion, that in order to prevent the institution of unfounded claims for the purposes of fraud or exaction, it would be desirable to require the acknowledgment of the plaintiff as to the simple fact of the claim having been settled. We do not understand how the institution of unfounded claims can in any way be prevented by such means. When a claim has been compromised, the fact is sufficiently manifested by the plaintiff not prosecuting his suit, and by the clerk of the court reporting payment of the fees. We see no reason why the plaintiff should be compelled to attend an officer of the court, and subjected to a vexatious process, merely for the sake of announcing formally that his claim is settled, when his acknowledgment to that effect is plainly to be inferred, and the compromise is entered on the proceedings of the court.

39. We desire that, after attending to these remarks, you will take into consideration the propriety of immediately abolishing the office of Registrar of Compromises.

EXTRACT JUDICIAL LETTER *from the* BENGAL GOVERNMENT *to the* COURT OF DIRECTORS,

Dated the 3d November 1820.

Judicial Letter from Bengal, 3 Nov. 1820.

Lower Provinces.

Police.

45. The proceedings noted in the margin* contain the undermentioned reports, received through the medium of the Nizamut Adawlut from the Judges of the several courts of circuit in the Lower Provinces, on the conclusion of the jail deliveries in their respective divisions, *viz.*

Two reports from Mr. Gordon Forbes and Mr. C. T. Sealy, Fourth and Third Judges of the Court of Circuit for the division of Calcutta, on the conclusion of the second sessions of 1818 and the first sessions of 1819, also report on the police of the suburbs and Twenty-four Pergunnahs for the last half of the year 1819.†

Two reports from Mr. R. O. Wynne and Sir R. Martin, the Third and Second Judges of the Court of Circuit for the division of Moorshedabad, on the conclusion of the second sessions of 1818 and the first sessions of 1819,‡ also reports on the city jail deliveries for June and December 1819.§

A report from Mr. John Sanford, Third Judge of the Court of Circuit for the division of Patna, on the conclusion of the first sessions for 1819,‖ also report on the police of the city of Patna for the last half of 1819.¶

Two reports from Mr. A. Mackenzie, officiating Judge of the Court of Circuit for the division of Dacca, on the conclusion of the second sessions for the year 1818,** also report on the police of the city of Dacca for the last half of 1819.††

46. Copies of all those reports with their respective enclosures, together with the orders issued upon them, are transmitted as separate numbers in the packet.

47. For a detail of the specific measures which the different Judges of Circuit considered it expedient to recommend from their local information and experience, and for the grounds upon which those measures met our concurrence and that of the Nizamut Adawlut, or otherwise, we beg leave to refer your

* Criminal Consultations, 5th November 1819 and 25th January 1820.

† Ibid., 8th February 1820.

‡ Ibid., 17th December 1819 and 7th January 1820.

§ Ibid., 1st October 1819 and 4th February 1820.

‖ Ibid., 24th December 1819 and 3d March 1820.

¶ Last session of 1819, city; 14th February 1820; 8th ditto; 4th ditto; and 1st October 1819.

** Criminal Consultations, 3d March 1820 and 7th January 1820.

†† Ibid., 14th February 1820.

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your Honourable Court to the documents above stated. We shall, on the present occasion, confine ourselves to a few general remarks under the head of each division.

Division of Calcutta.

48. The information submitted by Mr. Forbes relative to the state of the police in the several districts visited by him, to the good order observable in the jails and hospitals, and to the attention paid by Magistrates to the classification of the prisoners, is generally satisfactory.

49. With reference to the fifth paragraph of Mr. Forbes's report your Honourable Court will concur with us in opinion, that the expense which must necessarily attend a regular survey of the several zillahs, with a view of effecting a more correct adjustment of the thannah jurisdictions, would be very considerable. Local considerations might suggest the expediency of a survey for that purpose in particular districts, but in a general point of view the measure seemed the less necessary, as the Magistrates have it in their power to guard against the continuance of any serious inconvenience, whether arising from the unequal extent of the thannahs, or from the irregularity of their boundaries, by bringing the subject under our notice through the Superintendants of Police. Various improvements of this nature have been carried into effect during the last three years, both in the Lower and Western Provinces, and we are led to expect that the extent and boundaries of the thannah jurisdictions throughout the country will be gradually adjusted, so as to provide sufficiently for all practical purposes without having recourse to any detailed or general survey.

50. With reference to the points noticed in the third paragraph of Mr. Sealy's report, and in the sixth paragraph of the letter from the Register of the Nizamut Adawlut, we apprized the Court that it appeared to us desirable that the Judges of Circuit who might hold the first session for the year 1820, in the several divisions both of the Western and Lower Provinces, should be specifically instructed to ascertain the effect which might appear to them to have been produced by the operation of Regulations VIII. and XII., 1818, on the state of the police and the administration of criminal justice, and to include in their reports, on the completion of the sessions, such information on the foregoing subjects as their local inquiries might enable them to submit.

Division of Moorshedabad.

51. The subjects discussed in Mr. Wynne's and Sir Roger Martin's reports on the conclusion of the jail deliveries of the several districts comprized in the division of Moorshedabad, do not appear to call for any detailed remarks or observations from us: your Honourable Court will, however, notice with satisfaction the testimony borne by Mr. Wynne to the attention paid by the Magistrates and by the medical officers to the health of the prisoners, and to the cleanliness of the jails.

Division of Patna.

52. The information contained in Mr. Sanford's report relative to the exertions of the several Magistrates and to the state of the police in the districts of the Patna division is satisfactory.

53. Your Honourable Court will be glad to learn that the total number of commitments included in the calendars for the districts of Ramghur, Behar, Tirhoot, Sarun, and Shahabad amounted only to seventy, comprising only two hundred and fourteen prisoners; and consequently that the time occupied in completing the first sessions of the year 1819 was comparatively short.

Division of Dacca.

54. The reports submitted by Mr. Mackenzie, on the conclusion of the second session of 1818 for the division of Dacca, do not appear to call for any particular remarks or order from us. It is stated in the last paragraph of Mr. Mackenzie's letter of the 16th October 1819, that the districts of Dacca, Jelalpore, Mymensing, Sylhet, and Tipperah, were in the condition of countries well governed; the people well protected from robbers and each other; the revenues well paid; sales of land comparatively rare, and a moderate degree of subsistence enjoyed by the very lowest classes. Crimes were not numerous, and criminals rarely escaped with impunity.

73. On

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73. On the proceedings of the annexed date,* is recorded a letter from Mr. H. Shakespear, the Acting Superintendant of Police in the Lower Provinces, regarding an extraordinary number of decoities reported to have been committed in the district of Ramghur, in the month of August last.

74. The advanced price of grain in the district, and the consequent difficulty experienced by some of the poorer inhabitants in obtaining food, was assigned by the Magistrate as the probable cause of the sudden increase in the prevalence of this species of crime. Adverting, however, to the large number of persons reported to have been concerned in the commission of those outrages, and to the acts of personal violence with which some of them were attended, it appeared to us of essential importance, that no time should be lost in ascertaining the real causes which might have led to so sudden an increase of crimes, and in adopting the requisite measure for bringing to justice the principal offenders.

75. For the effectual accomplishment of these objects, we judged it expedient to depute an officer to the spot, with the view of carefully ascertaining and reporting to us upon the causes of the sudden rise of decoity, in the month of August 1819, and upon the general state of the police in those parts of the district which he might visit. We accordingly selected Mr. J. M. Macnabb for the performance of this special duty, and vested him with the powers of joint Magistrate in the district of Ramghur.

76. It will be satisfactory to your Honourable Court to learn from the proceedings noted in the margin,† that, as far as Mr. Macnabb's limited stay in the district enabled him to judge, the occurrence of the offences above alluded to was not ascribable to any deterioration in the general efficiency of the police, or to the organization of any regular bands of robbers, or to other causes of a permanent character; on the contrary, the facts stated by Mr. Macnabb tend generally to confirm us in the belief, that the robberies in question, as well as others which occurred at the same period of time in the neighbouring districts of Behar and Patna, generally originated in the high price of grain, and in the distress to which the lower orders of the people were in consequence reduced.

77. We have transmitted a copy of Mr. Macnabb's report to the Acting Superintendent of Police, and have called his particular attention to the want of punctuality on the part of the police officers in the district of Ramghur, in transmitting timely information of the occurrence of offences to the Magistrate.

78. We regret to add, that severe indisposition compelled Mr. Macnabb to quit Ramghur before the object of his deputation could be completely accomplished. Enough, however, had been done to render the further employment of a public officer on this special duty unnecessary; Mr. Macnabb's allowances, as joint magistrate on deputation to Ramghur, accordingly ceased from the 7th January last.

EXTRACT JUDICIAL LETTER *from the* BENGAL GOVERNMENT *to the* COURT *of* DIRECTORS,

Dated the 23d April 1821.

Judicial Letter from Bengal, 23 April 1821.

Lower Provinces.

Police.

1. With this separate despatch we have now the honour to transmit to your Honourable Court the undermentioned documents.

Copy of a report furnished by Mr. H. Shakespear, Acting Superintendent of Police in the Lower Provinces, relative to the state of the police in those provinces during the year 1819; together with copies of the documents which accompanied it.

Copy of a letter from the Chief Secretary, containing our remarks and orders on the subject of that report.

Copies

* Criminal Consultations, 1st October 1819

† Ibid., 7th January 1820.

Judicial Letter from Bengal, 23 April 1821.

Lower Provinces.

Police.

Copies of special reports from Mr. Shakespear, relative to the police during the year 1820, of the districts noted in the margin,* and of the orders and resolutions passed by us on a consideration of the reports in question.

Copy of a report by the Chief Secretary, connected with the drafts of three Regulations prepared under our instructions, and which have been since passed and numbered as Regulations II, III, and IV, of 1821.

Copy of resolutions passed by us on the occasion of the promulgation of those Regulations.

2. In the eleventh paragraph of our letter to your Honourable Court under date the 2d of November 1819, we took occasion to advert to the probability that a temporary increase of crimes would take place in consequence of the unconditional discharge, under the provisions of Regulation VIII, 1818, of a considerable number of prisoners of suspicious character who had hitherto been retained in confinement on failure to furnish security for their good behaviour.

3. The danger apprehended from that measure was unfortunately increased by the scarcity of grain which prevailed in many parts of the country during the year 1819 and the earlier part of the year 1820, and to these causes is mainly to be ascribed the deterioration of the police of several of the districts in the Lower Provinces, which is exhibited in the accompanying documents.

4. Other causes have doubtless operated in conjunction with those above noticed in producing the unfavourable results adverted to in some of the districts in question. In some instances, and particularly in Ramghur, Behar, and Dinagepore, the want of European assistants, arising from the general exigencies of the service, imposed on the Judges and Magistrates more laborious duties than they were able to perform, consistently with that vigilant superintendence of the police which was so urgently required.

5. The temporary absence, from indisposition or other causes, of some of the Magistrates of the districts in question, and the changes which that absence involved, led also to results disadvantageous to the efficient management of the police.

6. We do not, however, mean to imply from the foregoing observations that we have reason to be dissatisfied with the conduct of the officers who have been in charge of the district more immediately adverted to. They appear to us to have zealously exerted themselves in the discharge of their duties, and we trust that the measures which have been recently adopted, and which will be noticed in a subsequent part of this letter, will, by relieving them of some portion of their duties, enable them to apply their exertions with greater advantage and success than hitherto to the suppression of heinous offences.

7. From our Chief Secretary's letter of the 24th of November last to the Acting Superintendent of Police in the Lower Provinces, your Honourable Court will observe, that all the most heinous classes of crimes, with the exception of wilful murders and violent affrays, had increased in number during 1819, on a comparison with those reported in the preceding year; that the increase in question had chiefly occurred in the districts noticed in the margin,† while in several other districts, and particularly in some of those included in the Dacca division, the police was generally in a more efficient state than in the preceding year.

8. We beg to solicit the attention of your Honourable Court to the remarks and orders communicated to Mr. Shakespear in the Secretary's letter of the 24th of November last,‡ relative to the great importance attached by us to the object of obtaining full and complete information of the occurrence of

* Midnapore, Nuddea, Dinagepore, Rungpore, Rajeshahye, Ramghur, and Behar.

† Ditto, ditto.

‡ Paragraphs 17 to 26 inclusive.

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Lower Provinces.

Police.

of all heinous crimes, and to the means of securing the utmost practicable degree of accuracy in the figured statements furnished from his office.

9. Those remarks, which were also communicated to the Superintendent of Police in the Western Provinces, had reference to the observations contained in recent dispatches from your Honourable Court on that subject, and we trust that they will be approved by your Honourable Court.

10. We do not consider it necessary to refer more particularly to the other subjects discussed in our Secretary's letter of the 24th November last to Mr. Shakespear, and we proceed to advert to the separate reports since received from Mr. Shakespear relative to the state of the police during the year 1820, in those districts which seemed to demand our more particular care, and to which your Honourable Court's attention has been already specifically requested.

11. The improvement which has been effected in this district* since the resumption by Mr. Walpole of his duties as Magistrate, is very satisfactory. The frequency of gang robbery has indeed been diminished in a degree far exceeding our expectations ;† we are sensible how much of this improvement is owing to the influence, local knowledge, and personal exertions of Mr. Walpole. The great extent and population of the district, however, render the duties of the Magistrate peculiarly arduous, and it is our intention to transfer to the charge of the Acting Joint Magistrate stationed at Belasore that portion of the district of Midnapore which lies to the west of the Soobunreeka river.

12. The information submitted by Mr. Shakespear relative to the police of the district of Nuddea, exhibits an increase in the number of gang-robberies,‡ and a continual deterioration in other respects in the state of the police.

13. Considerations connected with the alarming extent in which gang-robbery prevailed in Nuddea some years ago, has rendered us particularly solicitous to adopt every proper and prudent measure to guard against the reorganization of regular bands of decoits, and the renewed prevalence of gang-robbery in that district; and we have resolved that three of the thannahs of Nuddea, lying towards the southern extremity of the district, be transferred to the jurisdiction of the Twenty-four Pergunnahs.

14. Those thannahs, as well as such other contiguous portions of the districts of Nuddea and the Twenty-four Pergunnahs, as further inquiries may point out, are to be placed under the immediate charge of a joint magistrate, to be stationed at Bangundee. That officer will exercise the civil powers of register of the Twenty-four Pergunnahs; and we anticipate from this arrangement considerable advantages, as well in the management of the police as in the general administration of civil and criminal justice in that part of the country, which from its local situation does not admit of any effectual superintendence, either on the part of the Magistrate of Nuddea or of the Twenty-four Pergunnahs.

15. The special report furnished by Mr. Shakespear, relative to the state of the police during the year 1820 in the districts of Rungpore, Dinagepore, and Rajeshahye, exhibits some diminution during the past year in the prevalence of gang-robbery in the districts of Dinagepore and Rungpore, but an augmentation in the district of Rajeshahye.§

16. Many of the gang-robberies, both in Dinagepore and Rajeshahye, have been accompanied with circumstances of cruelty or aggravation; and although there

* Zillah of Midnapore.

† In 1819, thirty-four; in 1820, six.

‡ In the year 1819, twenty-three; in 1820, twenty-eight.

§	In 1819.	In 1820.
Dinagepore	38	33
Rungpore	29	12
Rajeshahye	36	44
Total	103	89

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Lower Provinces.

Police.

there has been during the past year no apparent increase of other crimes in that part of the country, we felt satisfied, from the tenour of the information before us, that no general improvement could be effected in the police, unless some measures were adopted calculated to relieve the Judges and Magistrates of the districts in question (and more especially the Judge and Magistrate of Rajeshahye) from some portion of the business, both civil and criminal, with which their time was engaged.

17. On several former occasions it had been found necessary to depute an officer vested with special powers to visit that part of the country where the districts of Dinagepore, Rungpore, Mymensing, and Rajeshahye approximate to each other, and in which crimes had been always very prevalent. The vicinity of different local jurisdictions had afforded peculiar facilities for escape and concealment; and the distance of the sudder stations of Dinagepore, Rungpore, and Nattore had precluded the Magistrates from exercising the same active and efficient control over that part of the country, as over other portions of their respective jurisdictions.

18. It appears, in fact, from Mr. Shakespear's report, that during the past year, 1820, more heinous offences have been perpetrated in the thannahs of Rungpore, Dinagepore, and Rajeshahye, which are situated on the boundary of the three districts, than in any portion of those juridictions of similar extent.

19. With this information before us, we have resolved that an officer, vested with the powers of joint Magistrate, be stationed at Selberris, or at some more convenient spot on the frontier of the district of Rajeshahye, and that the undermentioned thannahs be placed under his immediate charge, *viz.*

Buggoorah, Adum, and Nankchela	Rajeshahye
Lol Bazar, Khet Lol, and Buddulgachee	Dinagepore
Govindgunge and Dewangunge.................	Rungpore.

20. He will also, in his capacity of Register, be able to render material aid in the administration of civil justice in the district of Rajeshahye.

21. The state of the district of Ramghur and Behar during the year 1820 is fully described in Mr. Shakespear's reports of the 11th and 21st February, and your Honourable Court will observe with satisfaction that the number of gang robberies perpetrated in those districts, and more especially in Ramghur, during the year 1820, is much less than in the preceding years.*

22. A favourable change had also taken place during the latter part of the past year in regard to the diminished prevalence of robberies, burglaries, and thefts in the district of Behar, resulting in a great degree from the comparative abundance and cheapness of grain during that period.

23. With a view to afford some relief to the Judge and Magistrate of Behar in the execution of his laborious duties, we have thought it expedient to transfer to the immediate charge of the joint Magistrate of Monghyr two of the thannahs of Behar. Their local situation will admit of their being more vigilantly superintended by the joint Magistrate stationed at Monghyr than by the Magistrate at Gya.

24. It does not appear necessary to enter into any further review of the orders issued on the several reports above noticed; copies of those orders accompany this despatch, and we trust that they will prove satisfactory to your Honourable Court.

25. The general reports for the year 1820 to be furnished by the Superintendents of Police on the state of the police throughout the Western and Lower Provinces have not yet been received, but measures which we have adopted will, we hope, enable us to bring them under the notice of your Honourable Court at an early period.

EXTRACT

	In 1819.	In 1820.
* Ramghur	63	26
Behar	25	18
Total......	88	44

EXTRACT JUDICIAL LETTER *from the* COURT OF DIRECTORS *to the* BENGAL GOVERNMENT.

Dated the 20th October 1824.

Letter from the Bengal Government to the Court, dated 1st Feb. 1820, paras. 3 to 11; and paras. 45 to 54 and 73 to 78 of Letter dated 3d November 1820; and paras. 1 to 25 of Letter dated 23d April 1821.—Reports of the Judges of Circuit and of the Superintendent of Police.

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Lower Provinces.

Police.

3. We are sorry to find the heinous crimes ascertained to have been committed in the Lower Provinces in 1819, were much more numerous than those in 1818. The number of decoities attended with torture or wounding increased from forty-eight to eighty-four, and the total number of decoities from two hundred and seventeen to three hundred and thirty-six. There was also a great increase of robberies and thefts of various kinds, attended with murder and wounding, and the only material decrease was in affrays attended with loss of lives, forty-five of which are stated to have occurred in 1818, and only sixteen in 1819.

4. In Midnapore, Nuddeah, Ramghur, Behar, Dinagepore, Rungpore, and Rajeshahye, seventy-six decoities were ascertained to have been committed in 1818, and two hundred and forty-five in 1819. The total number of heinous crimes in those districts was reported to be five hundred and sixty-five in 1818, and seven hundred and ninety-one in 1819.

5. You have endeavoured to account for the increase of crimes by referring to the scarcity of grain, to the release, under the provisions of Regulation VIII. of 1818, of prisoners who had been confined under requisition for security, to the want of European assistants, and to the changes occasioned by the temporary absence of some of the Magistrates. You say also that you have no reason to be dissatisfied with the conduct of the officers who have been in charge of the districts, and that they appear to have exerted themselves zealously in the discharge of their duties.

6. Of the extent of the distress suffered from scarcity of grain our information is very imperfect. In Ramghur and Behar great distress was undoubtedly experienced, and many of the robberies in that quarter were committed for the purpose of procuring grain and other necessaries of life, yet decoity appears to have been almost immediately checked by the deputation of an active officer to the spot. In July, August and September forty-six decoities were reported to have been committed in Ramghur, and not one in the next two months, though grain still maintained a high price. The Acting Superintendant of Police says, the distress has been more or less felt in every district. He says he is credibly informed that in the district of Burdwan, the golahs of the grain merchants have, in several instances, been openly attacked and rifled. But this information is wholly irreconcileable with his official statement of heinous crimes, which shews only one robbery by open violence to have been committed in Burdwan, and his detailed account explains that, with regard to the robbery, it was the house of an individual which was plundered, not a grain golah. The price of grain in Midnapore is said to have risen twenty-four seers of fine rice, or twenty-six seers of coarse, for a rupee, and no doubt distress must have followed, yet, with the exception above noticed, we do not know that any instances have been produced of the commission of an universally great number of crimes merely through distress proceeding from scarcity of grain.

7. The increase of decoity cannot be materially connected with the release of the prisoners who were confined for security, for, as you have justly remarked, although an increase of decoity occurred in some of the districts where prisoners were discharged, there were other districts in which a considerable number were released without any material increase, and in some instances with an actual diminution of decoity, and there were other districts in which decoity became more frequent, although few or none of those prisoners had been released.

8. At Ramghur, Behar, and Dinagepore, the want of European Assistants, arising from the general exigencies of the service, imposed on the Magistrates more laborious duties than they were able to perform. But we are not satisfied that the great increase of crimes, in those and other districts, might not have been

Judicial Letter to Bengal, 20 Oct. 1824.

been prevented by the exertions of the local Magistrate, with the aid of the Superintendent of Police and other officers, whose temporary services might have been available.

Lower Provinces.

Police.

9. In Midnapore, during the absence of Mr. Walpole in 1818 and 1819, decoity increased, and the Superintendent of Police and the Judge of Circuit confidently expected that it would be checked on his return. Accordingly, when Mr. Walpole returned it was speedily checked. In Ramghur, in 1819, it was checked at once by the deputation of Mr. McNabb, and prevailed again when Mr. McNabb went away. In Rungpore, in that part of the district where there was an able Joint Magistrate, crimes of magnitude were not frequent, and the police officers were active; while, in the other part of the district, which, in the years 1818 and 1819, was in the hands of several officiating Magistrates, crimes were prevalent, and the police officers were inattentive. The Superintendent, in his report for 1818, noticed the continued deterioration of the police of Backergunge, but expressed his expectation that it would improve under Mr. Chapman, who was appointed to the district at the beginning of 1819, and accordingly it did improve. In 1818 there had been forty decoities in that district; in 1819 there were only eight: Mr. Chapman did not find (as one of his predecessors did in 1816) that high price of grain was any sufficient reason for the prevalence of decoity at Backergunge.

10. In the twenty-seventh paragraph of your Secretary's letter to the Acting Superintendent of Police, dated 25th June 1819, you pointed out the advantage which would result from the Magistrate or his Assistant proceeding in person without delay, to investigate on the spot the circumstances of any serious decoities which might occur, and you referred particularly to the district of Nuddea, where experience had shewn the utility of that course of proceeding. We know not whether any steps were taken to enforce your suggestion, but we cannot find any indication in the Superintendant's report for 1819, of its being acted on that year in Nuddea, where decoity increased more than threefold. The Magistrate gave it as his opinion, that the increase of decoity was chiefly to be attributed to the release of the security prisoners, and the high price of grain; and with this opinion the Acting Superintendent seems to have been satisfied. In the year 1820, decoity at Nuddea continued to increase; still we find no account of the Magistrate or his Assistant going to investigate the circumstances of the robberies, in the manner you had suggested. The Acting Superintendent says, the police officers in Nuddea have in very few instances succeeded in apprehending gang-robbers, and he is unable to assign any other cause for the deterioration of the police of the district than that stated in his last report, *viz.* the release of the prisoners, and the high price of grain. In his report for 1818, he gave reasons for suspecting that many decoities were committed in Rajeshahye, which were concealed from the knowledge of the magistracy. In the thirty-fourth paragraph of your Secretary's letter, he was desired to take proper measures for ascertaining the real state of the case, and to report the result of his inquiries to you. In his report for 1819, he stated that his suspicions of the last year were corroborated; but the measures which he adopted to ascertain how far the occurrence of heinous crimes in Rajeshahye was duly brought to the knowledge of the Magistrate, led to no satisfactory result. The only measure stated to have been adopted, was, that of writing letters to Zemindars and officers of the court, and from those persons no useful information was had. Whatever the actual number of decoities in the district might have been in 1818, the reported number was six, and in 1819 it increased to thirty-six, of which two-thirds were attended with murder, or torture, or wounding. About one-tenth of the persons supposed to have been concerned in these offences were apprehended, and the rest, between seven and eight hundred, escaped with impunity. In the same year, the number of convictions for decoity at Rajeshahye was only six. The Acting Superintendent, however, speaks with approbation of the management of Mr. Pringle, who officiated as Magistrate. In the year 1820, the number of decoities reported increased to forty-four, of which thirty were attended with murder, or torture, or wounding. On these occasions 963 persons were supposed to have been concerned, and 195 were apprehended; but a very small proportion of those apprehended were likely to be convicted, and in nineteen cases none of the robbers were recognized or traced

traced. The Acting Superintendent again bore testimony to the zeal and ability of the Acting Magistrate, Mr. Pringle; yet no trace can be found of the Acting Magistrate or his Assistant investigating decoities on the spot where they were committed, nor of the Acting Superintendent having enforced your suggestion in Rajeshahye, although it is evident from his remarks on the occurrence of decoity in other districts, that he was confident of the advantage of that mode of proceeding.

11. We cannot, on the imperfect view afforded by the documents before us, enter into detailed examinations of the state of particular districts, nor can we impute unqualified blame to individual public officers; but, in consideration of the facts above referred to, we are led to fear that in some instances the local management of the police and the superintendence have been materially defective.

12. We have often seen that in Bengal some districts have been much infested by decoits, while the neighbouring ones have been unmolested. Those which have been the most fertile in crimes one year, have been most free from them the next; even in a few months, striking changes have been produced, yet the places have been throughout apparently exposed to similar excitements to crime, they have been subject to the same laws and the same general system of management. A most obvious cause of the frequency of crimes, however, may be found in the repeated change of the Magistrates, who have no sooner familiarized themselves with the local peculiarities belonging either to the character or circumstances of the people living within their jurisdiction, and thus acquire facilities towards a successful administration of the duties of their office, than they are removed.

13. We desire you will remind the Superintendent of the primary object of his appointment, as described in Section 4, Regulation VIII, of 1810. We expect him to be vigilant and active for the apprehension of robbers, and to proceed himself to those districts which appear to require his presence. It is not enough for him to deliberate on the reasons assigned by the Magistrates for the increase of crimes, giving his opinion as to the sufficiency of their excuses, and professing his inability to explain them. It is highly fit that he should at the end of the year report his opinion on the general causes which may be supposed to have occasioned an increase of crimes; but we attach more importance to his immediate personal exertions, and to the zeal which he may infuse into the local officers.

14. The Acting Superintendent complains, that in most districts the Judges and Magistrates have not leisure to perform all their duties.

15. Under no circumstances can pressure of business be a sufficient excuse for any Magistrate who suffers decoity to prevail in his district: it may be a sufficient reason for his neglect of the least urgent of his duties, but can be none for his neglect of the most important.

16. Your closest attention is required to the manner in which the Magistrates and the Darogahs exercise their authority. The very ample powers of coercion vested in them may, if injudiciously applied, be productive of great mischief. In endeavouring to suppress crimes and to apprehend offenders, measures harassing to the community should be carefully avoided, lest the police become a burthen to the people.

17. In your letter of the 24th November 1820 to the Superintendent of Police you communicated your orders on this subject, in the case of a Magistrate who had used his authority over the Zemindars and heads of villages injudiciously and irregularly. We entirely approve the caution which you inculcated, and the sentiments you expressed on the occasion.

18. We are glad to find that you have directed the attention of the Superintendant to the importance of his figured statements. We must, however, desire that you will specifically point out to that officer any instances in which those documents may appear to you defective.

19. An alteration having been made in the form of the statement usually marked No. 1, and each column containing the number of crimes reported to

 have

Judicial Letter to Bengal, 20 Oct. 1824.

Lower Provinces.

Police.

have been committed in the preceding year, we learn, by comparing the statements of 1818 and 1819, that among many thousands of offences committed in 1818, and classed in the statement under general heads of robbery, theft, &c., there were nine cases attended with murder, and twenty-five with wounding. Of these cases, and of all others of the same sort which occurred in former years, no trace is discoverable in the statements. Under the new form this confusion will be avoided in cases of highway robbery, burglary, and theft, but some further alteration is required in regard to other descriptions of crime. Cases of decoity, attended with murder, or torture, or wounding, are distinguished in the statements from those of simple decoity, but in river decoities no such distinction is observed. Fifteen river decoities were reported in 1818, and twenty-five in 1819. We know not how many among these may have been attended with murder or other circumstances of atrocity; we remark, however, that a decoity having been committed, in which one person was killed, ten were wounded, and treasure amounting to Rupees 57,252 was plundered, it was entered in the statement as a river decoity. In the old form there was a column entitled "violent affrays." In the new those affrays only are noticed which are attended with loss of lives. The former was not sufficiently precise, the latter is not sufficiently comprehensive. We desire your particular attention to the reporting of offences of this class. The Superintendent made a separate statement, shewing that in 1818 twenty-three persons had been killed, seventy-five wounded, and thirty-five severely beaten in affrays. But the columns of his general statement for 1819 shew that in the same year (1818) there were forty-five affrays attended with loss of lives. Examining the details of these two accounts, and comparing them with those of the general statement for 1818, which contains an account of violent affrays, the utmost confusion and inconsistency is found among them. Perfect accuracy in the statements is of course unattainable; but such gross defects as these must proceed from inexcusable neglect. We trust the Superintendent will be more correct in future; and we desire that the form of the statements may be modified, so as to include an account of the number of persons wounded or severely beaten in "violent affrays," or of the number of those affrays in which acts of particular atrocity are committed, though lives should not have been lost.

20. You have directed that the Superintendent be furnished with copies of such parts of the circuit reports as relate to the state of the police, and copies of the circuit statements, reporting the number and nature of offences committed. The object of this order is to enable the Superintendent to see how far the reports and statements agree with the information derived by him from other sources, so that he may require explanations from the Magistrates when any material differences occur. The reports of the Circuit Judges have hitherto been a useful check on those of the Superintendent of Police; but when the former constitute a part of the materials from which the latter are framed, that check will be lost. The "primary object" of the Superintendent's appointment is declared by the regulation to be the "apprehension of public "offenders guilty of the commission of robberies and other crimes by open "violence." It is through him that increased facility is given to the execution of the criminal law, which it is the duty of those courts to administer and superintend. He is accordingly subjected to the orders of the Nizamut Adawlut, and the Courts of Circuit are required to give him every support consistent with the Regulations. We would suggest, therefore, that instead of furnishing to the Superintendent of Police copies of the reports and statements of the Circuit Judges, it might be better to give to the Nizamut Adawlut the charge of communicating with those officers on any differences which may be found in their reports and statements.

21. We desire you will instruct the Nizamut Adawlut to attend to the figured statements furnished by the Circuit Judges. Documents of this description, drawn out according to certain prescribed forms, should be required of every Judge at the conclusion of his circuit, and the Nizamut Adawlut should take care that they are punctually supplied. Many of the Circuit Judges neglect to send the surgeon's reports of sick in the jails, and observe but little regularity in the statements they do send.

22. A

Judicial Letter to Bengal, 20 Oct. 1824.

Lower Provinces.

Police.

22. A person having died in consequence of flagellation by the korah, which he suffered under sentence of the Court of Circuit, the Nizamut Adawlut informed you that they had for some time past had under their consideration how far it might be proper to discontinue the punishment of the korah, and that they proposed to submit their sentiments to Government separately on the question. We have looked in vain for the further report of the Nizamut Adawlut, and we must express to you our strong disapprobation of this delay. The subject should have been taken up immediately. Flagellation by the korah is prescribed by the Regulations as a punishment for certain classes of crimes, but without any definition or limitation, except as to the number of stripes to be inflicted. We learn from a note in Mr. Harington's Analysis, that the korah is a thick whip of one thong, made of leather; that it has long been the established instrument of corporal punishment in Bengal; that it was discontinued in 1794, and again brought into use in 1796, under orders of the Nizamut Adawlut. Sentences of penal law should signify as distinctly as possible the degree of punishment to be inflicted on the culprit; but when an instrument so severe as the korah is used, his actual suffering may be out of all proportion to his nominal sentence. The reports of the surgeon of Nuddea and of the Circuit Judge, regarding this mode of punishment, shew that in the legal execution of a sentence of the Court of Circuit or Nizamut Adawlut, the punishment in its ordinary mode of infliction is extremely severe, and has occasionally produced excessive laceration, and even death.

23. We consider the korah to be a most improper instrument for legal punishment, and we positively order that the use of it be immediately discontinued.

EXTRACT JUDICIAL LETTER *from the* COURT *of* DIRECTORS *to the* BENGAL GOVERNMENT,

Dated the 11*th April* 1826.

Letter from the Bengal Government, dated 7th December 1821, par. 8 to 10; and par. 11 to 26 of Letter dated 19th December 1822.—Robbery of Treasure.

Judicial Letter to Bengal, 11 April 1826.

Lower Provinces.

Robbery of Treasure.

5. We learn from the documents to which you have referred, that on the night of the 26th February 1820 an atrocious robbery was committed at a lonely place on the Ganges, between Monghir and Patna, in the Behar district, upon a boat laden with treasure, which belonged to certain native merchants and was on its way from Calcutta to the Western Provinces under a small escort of Peons. One of the Peons was killed, ten were wounded, and 25,000 dollars and 2,600 rupees were carried off by the robbers. This occurrence, from an apparent neglect which has been unexplained, was not reported to you by the Superintendent of Police till a month after it had happened, and no progress was made in tracing the perpetrators of the robbery till near the end of the following month; but from that time the exertions of the public officers were conspicuously successful, and by means of Mr. McFarlane, the joint Magistrate of Monghir, of Mr. Cracroft, the Magistrate of Juanpore, and of the Darogahs of Police and others acting under their direction, the robbers were discovered and traced.

6. The gang consisted of a party of Shugalkoors, disguised as ordinary attendants in the suite of their principal chief Mihirban, who passed through the country under the assumed character of a Rajah on pilgrimage. About two hundred of these banditti had gone forth in October 1819 from a jungle in the northern part of Oude, and having travelled almost as far as Calcutta, they procured, by means of emissaries, exact information respecting the treasure, and accomplished the robbery after a march of four months, and at a distance of many hundred miles from their home. They effected their retreat in safety to their own country: but they were followed, and the place of their abode having been ascertained to be situated about forty miles from our military cantonment at Secrorah, a force was, under Mr. Cracroft's requisition, detached from that station to surprise them. The robbers, however, contrived to get intimation of the motion of the detachment; and it was made known to the officer commanding our troops that, a few days before his arrival,

Judicial Letter to Bengal, 11 April 1826.

Lower Provinces

Robbery of Treasure.

arrival, Mihirban, with about one hundred followers, had left the place, and were supposed to have gone eastward on an expedition to intercept a boat laden with treasure. This intelligence being communicated to Mr. Cracroft, was forwarded by him to Mr. C. W. Smith, the acting Magistrate of Behar, towards which district they were likely to bend their course. Mr. Smith immediately made his arrangements, and the robbers, disguised as pilgrims, with the pretended Rajah at their head, having entered Behar, were discovered by the police.

7. Mihirban and his whole party, consisting of one hundred and sixty-five persons, were apprehended, and committed by Mr. Smith to be tried by the Court of Circuit. After a long and patient trial before Mr. Fleming, the officiating Judge of Circuit, which afterwards came under the revision of the Nizamut Adawlut, Mihirban was condemned to death, twenty-eight of his followers were sentenced to transportation for life, and ninety-five to imprisonment for various terms, from seven to fourteen years.

8. We consider the proceedings to which we now refer to be highly creditable to the Government, after they became apprised of the decoity, information of which was much too long delayed. We have to remark, with much satisfaction, the ability and indefatigable perseverance manifested on this occasion by Mr. McFarlane, Mr. Cracroft, and Mr. C. W. Smith, and by several of their native officers. Mihirban and his associates appear to have found shelter in Oude. If plundering tribes are thus harboured in the neighbouring territory, it must be extremely difficult for our Government to guard against incursions like those of Mihirban. We observe that you endeavoured, though unsuccessfully, to provide a remedy for the evil by the means of political arrangements with the Court of Oude. We shall be happy to learn that you have been able to devise some scheme more acceptable to the King than that which was at first proposed, and that his Majesty will be brought to perceive the urgent necessity of his co-operating with our Government for the suppression of those robbers, who are, no doubt, a dreadful scourge to his own subjects as well as to ours.

9. We, however, have been forcibly struck by the observations contained in the note from the King of Oude to the British Resident at his court, on the circumstances connected with the successful advance of Mihirban Sing and his numerous associates through a considerable part of the British territories, and, after the commission of the decoity on the river Ganges, their subsequent retreat, without the slightest opposition on the part of the local authorities. It appears to us, that had the village authorities been disposed to communicate to the regular police the suspicious circumstances, which did not escape their observation, with respect to the very inconsistent proceedings and conduct of the decoits, in reference to the religious character which they had assumed, it would not have been practicable for so numerous a body to advance so far into the British territory unquestioned, and still less, after the commission of the crime, to have escaped with impunity. . . .

10. We observe that Mr. McFarlane, who was deputed to trace and apprehend the robbers, ascribes the marked indisposition which was manifested by the Zemindars and the village authorities to furnish the regular police with the requisite information, to an "inherent apathy in the people themselves," which, in his opinion, "can never be roused except by singular "vigour and understanding, and peculiar habits of conciliation on the part of "the ruling power for the time being;" and he attributes the unwillingness of the Zemindars to make a full disclosure, "to a fear of being ultimately "called upon as witnesses."

11. We find that by Regulation III. of 1821, you have empowered the Magistrates and the subordinate police authorities to compel all persons who may be inhabitants of a remote district of the British provinces, or the subjects of a foreign state, and may be found travelling within their respective jurisdictions without any reasonable object, to return such persons under a suitable guard, from station to station, to the district or territory from which they may appear to have advanced; and in order to secure the co-operation of the Zemindars, heads of villages, Chokeydars, and other village guards, and

to

Judicial Letter to Bengal, 11 April 1826.

Lower Provinces.

Robbery of Treasure.

to obtain for the regular police the earliest intelligence of the resort of suspicious persons within their respective villages, you have subjected the Zemindars, heads of villages, and other village police officers who may respectively neglect or delay to furnish the requisite information, to punishment by fine or imprisonment.

12. We have much doubt whether this penal enactment will produce any effectual co-operation on the part of the landholders.

13. We apprehend that the nature of your system of police, and the character of your police establishment, was such as to indispose the more considerable natives to give the information desired. A Zemindar of rank and family, or even the head of a village, will not willingly report any transactions which may occur within his zemindarry or village to a police Darogah or Thannadar, while it is in the power of the police officer (as the intermediate authority between them and the European Magistrate) to issue orders to the Zemindars themselves; and when we also advert to the description which has been given by many of our best informed servants, of the general character and qualifications of the officers of police, and particularly to the statement contained in the report of Mr. James Stuart, when Judge of Circuit for the division of Benares, dated 5th February 1808, that in the selection of the police Darogahs "no attention was paid to any local fitness," it is not surprising that the respectable classes of the community should have steadily manifested an indisposition to co-operate with the police authorities. We desire to be informed of the success which has attended this Regulation, which has now been tried for five years.

14. In our Military letter to your presidency, dated 8th November 1814, we directed you to take into your "early consideration the best mode of "employing a certain number of the native commissioned officers, non-"commissioned officers, and privates, in the regular police establishments, "to be taken either from the invalid or pension lists, or such as you might "think proper to allow to be withdrawn from the regular service for that "particular purpose," and we desire to be informed what steps have been taken by you for giving effect to those instructions.

15. A few months after the robbery above noticed, a boat laden with treasure was plundered in the Nuddea district: above 10,000 dollars are said to have been carried off, and some persons to have been wounded. Although this decoity occurred on the 3d of July, at a short distance from Calcutta, it was not reported to you by the Superintendent of Police till the 14th of the month. Nor does that officer appear to have made any further communication to you on the subject, notwithstanding your order that he should report fully on the proceedings of the Magistrate, and on the result of the measures pursued for the recovery of the property and the apprehension of the criminals.

16. We think you should have required of the Superintendent an explanation of this apparent neglect of his duty.

EXTRACT JUDICIAL LETTER *from the* COURT *of* DIRECTORS *to the* BENGAL GOVERNMENT,

Dated the 11*th April* 1826.

Letter from the Bengal Government, dated 19th December 1822, par. 85 to 105; and par. 4 and 9 of Letter dated 10th April 1823.—Magistracy of Calcutta.

Judicial Letter to Bengal, 11 April 1826.

Lower Provinces.

Magistracy of Calcutta.

89. In taking into consideration our instructions for a new arrangement of the magistracy of Calcutta, you have particularly adverted to the following points: 1st. That the number of regular stipendiary Magistrates, and the expense attending the magistracy, should be reduced. 2d. That no persons should be appointed as fixed stipendiary Magistrates, but such as should *bonâ fide* engage to give up their whole time to the discharge of the duties of the office, and should be fully competent to communicate with the natives in the proper languages of the country; and especially that no professional gentleman, whose time might be so much occupied in his avocations in the

Judicial Letter to Bengal, 11 April 1826.

Lower Provinces.

Magistracy of Calcutta.

Supreme Court as to preclude full attention to the duties of the magistracy, should be appointed as a stipendiary Magistrate. 3d. That the gratuitous services of gentlemen of the community should be obtained as Magistrates of Calcutta.

90. The measures you have adopted are these:—1st. To limit the number of stipendiary Magistrates on the fixed establishment to five, of whom three are to receive salaries of 1,400 rupees a month each, and two of 1,000 rupees each: this arrangement to be effected gradually, as vacancies occur. 2d. That of these Magistrates, one shall be a Barrister of character and eminence in his profession; who, without being formally attached to any specific branch of the police, shall be prepared to render all the assistance in his power to his colleagues when necessary. 3d. That three of the junior civil servants holding certain offices in Calcutta shall act as Magistrates; that they shall attend at the Police-office at least three days in each week, and that they receive such addition to their allowances as might make their salaries equal to 1,000 rupees per mensem. 4th. That several individuals being in the civil or military service of the Company, or gentlemen residing at Calcutta, shall be included in the commission of the peace.

91. You have remarked that some of the measures to which you refer, being of an experimental nature, may be subject to eventual modification.

92. These arrangements, though not precisely agreeing with those we had suggested, correspond in a great degree with our views. We have to remark, however, that you have not given any reason for setting aside that part of our instructions which required that the Magistrates should be persons competent to communicate with the natives in the languages of the country. We direct that you take into consideration, at an early period, the propriety of establishing this rule.

93. We have observed with regret the very small degree of attention that has been of late years bestowed by your Government on the affairs of the magistracy of Calcutta.

94. Persons have been appointed Magistrates who could not have been expected to perform the duties of their office efficiently; particularly Barristers in full practice, who, it was well known, were unable to give attendance at the office. One of the Magistrates (Sir William Rumbold) who had avocations foreign to the business of the Calcutta Police-office, was on leave of absence four years, during which time he received 500 rupees a month. For this gentleman's substitute a Barrister was appointed: no doubt this example must have produced evil consequences. In vain would the Magistrates be expected to be attentive to their duties, and to allow no inefficient persons to hold offices under them, when the Government themselves were so little discriminative in their selection of men for the chief places. The state of the police became repeatedly the subject of presentments by the Grand Jury, who complained of the increased frequency of crimes, of the bad condition of the roads and drains, and of the vexations and inconveniencies suffered by complainants from the absence of Magistrates. The Grand Jury said that the Magistrates had not the confidence of the public; and they gave it as their opinion, that as long as the magistracy was composed of gentlemen engaged in the active exercise of their professions, it could not be expected that a due proportion of their time and attention would be devoted to their magisterial duties.

95. The Magistrates seem to have been long in the habitual neglect of your orders. On the 14th July 1817, you called on them to furnish certain information respecting their establishment and their receipts and disbursements, but they made no reply. On the 13th March 1818 you repeated your order, and their answer was not sent till the 3d July 1818. Your orders of the 4th December 1818, requiring the Magistrates to furnish certain information relating to the subject of two presentments of the Grand Jury, were not replied to till the 28th April 1819. On the 11th June and 30th July 1819, you called on the Magistrates to report on various matters pointed out to their notice: no answer having been received, the call was repeated on the 5th November. On the 6th July 1820, the Magistrates acknowledged the receipt of the last-mentioned letter, and shortly stated that their reply to the letters of the 11th June and

30th

Judicial Letter to Bengal, 11 April 1826.

Lower Provinces.

Magistracy of Calcutta.

30th July was in progress; but not any reply had been received up to the 25th August 1820. Another call was made on the Magistrates on the 28th September 1821, and on the 3d of November 1821 their answer to the letters of June and July 1819 was received. To one of your communications, dated 31st December 1819, respecting abuses which were stated by the Grand Jury to prevail among the police officers, we have not found any reply. We must, at the same time, do justice to the merits of Mr. Shakespear, the Chief Magistrate, to whose activity and zeal we must mainly ascribe many of the salutary reforms which you have at length effected with the several departments of the Calcutta police. We entirely approve your censure of an individual Magistrate, Mr. Blaquiere, for his inattention to that part of the correspondence which belonged to him.

96. For many years past the materials for repairing the Calcutta roads were provided by Mr. Blaquiere. His disbursement on that account in one year amounted to Rupees 51,972; and that of the Superintendent of Roads for hackeries, coolies, &c., employed in the application of the materials, amounted to Rupees 21,519. The total expense incurred in repairing the roads and drains within the limits of Calcutta, including the salary of the Superintendent and other overseers, amounted in the year to Rupees 1,05,119. 8. 3. These charges appear to have been subject to little or no control; nor was the contingent bill of the Assessment department, which at one period averaged 15,000 rupees a month, submitted to any regular audit.

97. We understand that materials for the roads are not now procured from Mr. Blaquiere, but that they are provided by Lieutenant Paton on contract, Lieutenant Paton's terms being lower than Mr. Blaquiere's. We observe, that when Lieutenant Paton procured this contract, he held the office of Assistant Superintendent of Public Buildings in the Lower Provinces. We see not the slightest cause for doubt or suspicion of the conduct of Lieutenant Paton; but, as a general rule, we desire that in future, whether the business be done by agency or by contract, and whether the terms be high or low, no public officer, whose duty it may be to superintend the execution or to control the expenditure of any work, or who is in any way employed as a check upon the contractor or agent, may be allowed to furnish the materials on his own account.

98. We remark that, on the 15th November 1821, the Magistrates applied to Government for permission to charge in their accounts a sum of Rupees 9,293. 5. for the pay of native doctors employed during the prevalence of the cholera, at different times in the years 1817, 1818, 1820, and 1821; a sum of 700 rupees for filling up a tank in the year 1817; and a sum of 2,606 rupees due to Mr. Blechynden, the Superintendent of the Roads, for work done in the year 1806. In regard to the two first items, the Magistrates offered no explanation of the delay, and the Government sanctioned the charge without any remark. Mr. Blechynden's claim was, for no reason that appears, delayed by the Magistrates to be brought to your notice for fifteen months after it had been known to them. We are of opinion, that as Mr. Blechynden neglected this claim for a long course of years, not urging it till he was required to account for money which had been advanced to him, he should have been made to take upon himself the evil consequences of his omission. The Government having originally required an explanation respecting an unauthorized work on which the demand was founded, and having received none for above twelve years, nor any excuse for the delay, should not have admitted Mr. Blechynden's claim. After so long a period of time it must have become difficult, if not impossible, for them to procure those vouchers or that information which were necessary for their satisfaction.

99. We regret that the very disreputable state of the Calcutta Magistracy should have been suffered to remain so long unattended to. Our instructions of the 9th September 1818 reached you on the 5th of March 1819, but you did not take them into consideration till the 25th August 1820; nor did you pass any definitive orders on the subject till the 17th November 1821; on which day the chief part of the documents above referred to, with many others of old date, were entered on your Consultations.

100. We

Judicial Letter to Bengal, 11 April 1826.

Lower Provinces.

Magistracy of Calcutta.

100. We entirely concur with you in opinion as to the expediency of abolishing the office of Clerk of the Market; a department in which great abuses must, no doubt, have been practised. We are happy to perceive that the subject of the receipts and disbursements of the magistracy have engaged your attention, and we approve generally of your orders of the 17th November 1821.

101. In replying to this dispatch, you will make a particular report of the progress of the new system, and the way in which, after four or six years' experience, it appears to operate.

JUDICIAL LETTER *from the* BENGAL GOVERNMENT *to the* COURT *of* DIRECTORS,

Dated the 3d July 1823.

Judicial Letter from Bengal, 3 July 1823.

Lower and Western Provinces.

Civil Establishment.

Honourable Sirs:

1. We have the honour to transmit to your Honourable Court, as separate numbers in the packet, the accompanying minutes by the Governor-General and Mr. Harington, which have been recorded on our proceedings of the 19th ultimo.

2. The measures proposed by the Governor-General having been approved by the Board, will be immediately carried into effect.

3. They are directed to the object of separating the office of Magistrate from that of the Civil Judge, in some of the districts in the Lower Provinces, in which that measure appeared chiefly desirable, either from the heavy arrear of civil business or from other considerations.

4. The grounds of the several measures adopted for that purpose are so fully explained in the Governor-General's minute, as to render it unnecessary to recapitulate the details of the arrangement in this place; but we trust that the motives by which we have been influenced on this occasion will be approved by your Honourable Court.

5. We think it necessary, however, earnestly to solicit the attention of your Honourable Court to the present state of the civil service, as described in the minutes of the Governor-General and Mr. Harington; and to request that your Honourable Court will take into your early consideration the expediency of making such addition to the number of your civil servants on the Bengal establishment, as may tend to remove or diminish the difficulty and embarrassment which we now experience, in providing for the efficient administration of the civil affairs of this presidency.

We have, &c.

(Signed) J. ADAM,
JOHN FENDALL,
J. H. HARINGTON.

Fort William,
3d July 1823.

MINUTE *of the* TEMPORARY GOVERNOR-GENERAL (J. ADAM, Esq.),

Dated the 12th June 1823.

Governor-General's Minute, 12 June 1823.

1. In considering the measures best calculated for facilitating the administration of civil and criminal justice in the territories subordinate to this presidency, the importance of augmenting the number of European functionaries employed in the Judicial department has been always felt and acknowledged. The necessity of a rigid adherence to economy, however, has hitherto prevented the Government from having recourse to that most obvious means of improving the efficiency of the Judicial administration to the extent which was desirable.

2. Since

Governor-General's Minute, 12 June 1823.

Lower and Western Provinces.

Civil Establishment.

2. Since the year 1810 the number of Judges in the higher courts has been increased; four zillah courts have been newly formed or re-established; a Superintendent of Police has been appointed in the Western Provinces; the new office of Superintendent and Remembrancer of Law Suits has been established, and several joint magistracies have been created.

3. Other joint magistracies have, during the same period, been dispensed with, and the offices of Assistant Judge and of Register to the Provincial Courts have been abolished.

4. The total number of Judicial situations is not materially greater now than in 1810, while in point of fact the European functionaries actually employed in the administration of justice in the districts under this presidency is less than it was at the period adverted to. The annexed Statement No. 1,* furnished from the Civil Auditor's office, shews the number of European officers who stood appointed to situations in the Judicial department in the years 1810, 1816, 1822 and 1823, respectively; and it will be observed, that at the present time the number of officers so appointed is less by ten than the number appointed in the year 1810.

5. In the orders recently passed on the report of the Sudder Dewanny Adawlut relative to the state of civil business in the several courts of justice, we have had occasion to notice the very serious inconvenience experienced from the impossibility of providing Registers in many districts, where the pressure of business rendered the services of officers of that class highly important.

6. Although the powers of the Moonsiffs in the cognizance of civil suits have been recently extended, and provision has been made for the exercise of more responsible functions by the Sudder Aumeens, still there are numerous duties in the Judicial department, the execution of which cannot with propriety be transferred to the native officers, and which, therefore, if there is no Register or Assistant, must devolve exclusively on the Judge and Magistrate.

7. The details with which the latter officer is in such cases burthened, preclude him from performing any portion of his business with due care and deliberation; he cannot attend properly to one department without neglecting another, and he is unable to superintend the conduct of the subordinate officers with that vigilance which is essential to the prevention of abuse.

8. Under these circumstances, and with reference to the present flourishing state of our finances, I should be disposed to augment very considerably the number of European functionaries employed in the Judicial Department, if the state of the service and the urgent demands of other branches of the administration would admit of it.

9. We have now before us an application from the Board of Revenue in the Western Provinces, urging that eleven additional officers be supplied for the service of the Revenue department in those provinces, as a measure essentially necessary for the due formation of the settlements in the division under their superintendence; and though we are sensible of the advantage which would result from the adoption of the Board's suggestion, we have not the means of complying with it to the extent desired, except by withdrawing some of the officers now employed in the Judicial department, and whose services can ill be spared from the duties on which they are engaged.

10. The same difficulty has been experienced in furnishing to Mr. Malony, the Agent at Saugor and the territories on the Nerbudda, the aid of covenanted civil officers; and we have in consequence found it necessary to supply the

* (No. 1.)

STATEMENT, *shewing the Number of European covenanted Servants in the Judicial Department employed in the Sudder Dewanny Adawlut Provincial Court, and in each District in the Lower and Western Provinces, on the 1st of May of the Years* 1810, 1816, 1822, *and* 1823.

	1810.	1816.	1822.	1823.
Total	147	146	139	137

Governor-General's Minute, 12 June 1823.

Lower and Western Provinces.

Civil Establishment.

the recent vacancies which have occurred, by the appointment of military, instead of civil officers, to be Assistants to the Commissioner.

11. It appears from the accompanying Statement, No. 2,* that the number of civil servants attached to this presidency, after deducting those absent at sea on account of their health, is actually less now than it was in the year 1811; our territorial acquisitions and extended political relations consequent upon the war with the Pindarries and with Nepaul have, in the interim, involved the establishment of new offices, and have proportionately augmented the demand for the services of civil functionaries.

12. The arrangements which have been so beneficially carried into effect during the same period, for securing a more efficient control over every department of the Revenue administration, have likewise been attended with a similar result; and the serious difficulties to which we are now so constantly exposed in providing officers to fill important situations, both in the Revenue and Judicial departments, seem to me to impose upon the Government the duty of earnestly soliciting the attention of the Honourable the Court of Directors to the actual state of the service, and of pointing out the necessity which exists for a very considerable augmentation of the number of civil servants on this establishment.

13. The more immediate object, however, of the present communication, is to bring under the consideration of the Board the importance of adopting such partial arrangements as our inadequate establishment will admit, for facilitating the administration of civil and criminal justice in some of the districts of the Lower Provinces: in which, whether from the heavy arrear of civil suits, or the defective state of the police, or the pressure of criminal and miscellaneous business, or from the joint operation of those causes, some further assistance seems indispensably necessary.

14. From the annexed statements, and from the remarks which I have already offered in regard to the state of the civil service generally, it is obvious that the wants of the Judicial department cannot be supplied by withdrawing from the other departments individuals now employed in them. I am of opinion, however, that a partial relief might be obtained by transferring the duties of some situations, hitherto held by covenanted civil officers, to individuals not in the service, and that the officers above alluded to might be employed in

* (No. 2.)

STATEMENT, *shewing the total Number of Civil Servants on the Bengal Establishment in each Year, from 1st May 1811 to 1st May 1823; the Number of Servants absent at Sea for their Health; the Number of Writers who arrived in each Year; and the Number of Deaths and Resignations in the Civil Service in each Year.*

YEARS.	Number of Civil Servants on the Bengal Establishment.	Deduct the Number of Civil Servants absent at Sea for Health.		Number of Writers who arrived in Bengal during the last Twelve Months.	Number of Deaths and Resignations during the preceding Twelve Months.	
		Absent.	Present.		Deaths.	Resignations.
1st May 1811..	374	9	365	31	9	11
— 1812..	368	6	362	20	8	18
— 1813..	382	8	374	22	8	10
— 1814..	381	10	371	27	8	15
— 1815.	390	9	381	29	6	13
— 1816..	387	13	374	17	1	12
— 1817..	395	15	380	25	4	19
— 1818..	400	10	390	24	14	6
— 1819..	394	9	385	15	8	12
— 1820..	387	17	370	17	14	14
— 1821..	384	22	362	19	12	17
— 1822.	375	21	354	18	13	15
— 1823..	370	15	355	17	10	18
Total ...	4,987	164	4,823	282	116	180
Yearly average	383	12	371	21	9	13

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in the administration of justice in the districts where such aid is most essentially requisite.

15. The offices to which I allude are the following:—

1st. Deputy Register of the Sudder Dewanny Adawlut and Nizamut Adawlut, and Translator of the Regulations.

2d. Assistant to the Superintendent of Police, Lower Provinces.

3d. Ditto to the Secretary in the Judicial department.

4th. Ditto to the Secretary in the Territorial department.

16. The duty of translating the Regulations might be transferred without inconvenience to the Professors of the Persian and Bengalee languages in the College of Fort-William, or to other individuals skilled in those languages, with a suitable remuneration for their labour. I am disposed to think that this is a plan which it would be expedient to adopt on its own merits, independently of the other considerations which have led me to propose it. It may be presumed that, generally, the Professors of the College must be better qualified to perform the work with accuracy, and without reliance on native assistance, than the comparatively young scholars, who must, in the ordinary course of the service, fill the post of Deputy Register. The former are less liable to frequent change than the latter, by which means a greater degree of uniformity in the language and style of the translations will be secured, an object which I conceive to be of considerable importance, and the want of which has, I believe, been regarded as a defect in the translated code.

17. In lieu of the civil servants now attached as Assistants to the Superintendent of Police in the Lower Provinces, and to the Secretaries in the Territorial and Judicial departments, I would propose that the latter officers be respectively authorized to employ as their private assistant any person not in the service of the Honourable Company, whom, from his talents, education, and character, they may consider properly qualified to assist them.

18. With respect to the Secretaries' offices, the duties assigned to persons holding the appointment of Assistant are not such, generally speaking, as to prepare the individual for the higher or more active functions of the service; and there is no advantage derived to Government from the labours of covenanted servants, in the offices in question, to compensate for the loss of their services in the mofussil. This is not the case to the same extent with regard to the office of Assistant to the Superintendent of Police; but on a comparison of the utility of his services in that station, with that of the office to which I propose that he should be transferred, there can be no room to question the expediency of the measure.

19. I am aware that the orders of the Honourable the Court of Directors are opposed to the further employment of uncovenanted servants; but those orders were issued under a view of circumstances very different from that exhibited in the statement now laid before the Board, and the imperious necessity of the case must justify our deviation from the letter of the orders, at least to the extent proposed, while the present state of things continues to exist.

20. The situation of the uncovenanted Assistants will be a confidential one, and the Superintendent and Secretaries must be held responsible for the due performance of any duties which may be entrusted by them to such Assistants. To enable them to engage really useful and qualified Assistants, I am of opinion than an allowance of 500 rupees per mensem should be granted to the latter.

21. The Board are aware that the Assistants to the Superintendent of Police and to the Secretaries in the Judicial and Territorial departments are also Magistrates of the town of Calcutta, and it will be necessary, if the proposed arrangement is carried into effect, to supply their places at the Police office by the appointment of at least one additional Magistrate not being a covenanted servant.

22. The abolition of the offices above specified would place at our disposal the following gentlemen: Mr. D. C. Smyth, Mr. Morris, Mr. McFarlane, and

Mr.

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Mr. Shaw; and I propose that those gentlemen be employed as Magistrates of the undermentioned districts.

Hooghly	Mr. Smyth.
Jessore	Mr. Morris.
Nuddea	Mr. McFarlane.
Purneah	Mr. Shaw.

23. The very heavy arrears of civil business depending before the Judges and Registers of those districts, according to the latest statements received by Government, are shewn in the margin.* In all of them the criminal duties are laborious, and the management of the police demands vigilant and active superintendence. By relieving the Judges from all duties connected with the office of Magistrate, those officers will give their undivided attention to the civil court, and will be enabled to reduce the depending arrear of business, and to superintend with efficiency the lower courts.

24. The Magistrate will in like manner have it in his power to devote his whole time to the management of the police and to the duties of the fouzdarry department. He will not be precluded from occasionally proceeding in person to those parts of the district which may appear to require his particular attention, either from the local prevalence of heinous crimes, the misconduct of the police officers, or from other causes. I would propose that the monthly salary of the separate Magistrates be fixed at 1,600 rupees per mensem, including charges for travelling or for other extra expenses incurred by them on occasions of visiting the interior of their districts.

25. There are several other districts, both in the Lower and Western Provinces, into which I am desirous of seeing the same system introduced; but in the present state of the service, I can suggest its further extension to one district only, Tirhoot.† The circumstances which have compelled Mr. Moore to relinquish the office of Acting Judge and Magistrate of Sylhet, and to apply to be removed to some district beyond the limits of Bengal, are stated in his letter of the 3d April last; and while they justly entitle him to the indulgent consideration of Government, they place at our disposal an officer peculiarly qualified by his experience and abilities for the office of Magistrate of Tirhoot, to which situation I propose that he should be appointed.

26. In considering the means of facilitating the administration of justice, I have not failed to advert to the question, how far it might be practicable to relieve the Judges of any of those districts in which the Judicial business is particularly heavy, by transferring the functions of Magistrate to the Collectors.

27. Whether the general introduction of the system, even if it were practicable, would be desirable, is a question which I do not propose to discuss on the present occasion; but I see no reason why the experiment should not be tried in any particular district, in which the Collector may not only be well qualified for the task, but may have sufficient leisure to execute it without interfering with his duties in the Revenue department, and when, at the same time, the business devolving upon the Judge and the Magistrate is particularly laborious.

28. The duties of the Collectors in the Western Provinces, in Benares, and in Behar, appear to me much too laborious to admit of those officers being employed as Magistrates also. The same obstacle occurs in many of the Bengal districts: in others, the qualifications or state of health of the Collectors do not encourage the attempt. After a careful consideration, I am prepared at present to suggest the following arrangements only.

1st.

* Depending before the Judge and Register on the 1st February 1823:—

	Regular.	Summary.	Total.
Hooghly	1,469	729	2,198
Jessore	1,140	2,895	4,035
Nuddeah	931	3,416	4,347
Purneah	1,120	547	1,667

† Depending before the Judge and Register of Tirhoot on the 1st February 1823:—

	Regular.	Summary.	Total.
Suits	2,748	420	3,168

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1st. That the duties of Magistrate in the district of Rungpore be placed in the hands of Mr. Nisbet, the Collector.

2d. That Mr. N. Smith, the Collector of Ramghur, be vested with the powers, and be directed to exercise all the functions of Magistrate in that district.

3d. That the functions of Collector and of Magistrate in the Jungle mehals be vested in the hands of one officer.

29. The arrears of civil business depending before the Judge and Register of Rungpore are noted in the margin.* The state of the police has for some time past been far from efficient: Mr. Nisbet is understood to be well qualified to discharge the functions of Magistrate with effect, and his duties as Collector are not heavy.

30. The duties of Judge, Magistrate, and Collector of Ramghur have, for a considerable period, devolved almost exclusively upon one officer.

31. The arrears of civil business, though less heavy than in some other districts, are still very considerable.† The police requires vigilant superintendence, involving frequent personal visits and local inquiries on the part of the Magistrate.

32. Mr. N. Smith, the Collector of this district, is already Joint Magistrate in the extensive tract of country called Chota Nagpore; and I am of opinion, that essential benefit may be expected from placing in his hands the general charge of the police, and the execution of the functions of Magistrate.

33. The Register of the Jungle mehals has hitherto conducted the Revenue business of the district, as Assistant to the Collector of Burdwan. I think it would be desirable to place the Revenue administration of the jungle mehals on the same footing as at Ramghur, and to invest the Collector with the powers of Magistrate.

34. The arrears of civil business have rapidly accumulated of late years,‡ chiefly in consequence of the Revenue and Judicial duties having frequently, and for considerable periods, devolved upon one individual.

35. The reasons which render it desirable that the Magistrate of Ramghur should frequently visit in person the interior of his district, operate with equal force in the Jungle mehals.

36. Many of the estates are very large, and situated at a considerable distance from the Sudder station. The Zemindars are generally vested with police powers in their respective estates. The feuds between neighbouring proprietors, and between the latter and their subordinate Jageerdars, frequently involve desperate affrays and inroads, which can be best prevented and settled by local inquiries; and the vesting in one individual the united powers of Collector and Magistrate would greatly facilitate such adjustments. The gentleman at present officiating as Register and Assistant Collector at Bancoora, is too young to be entrusted with the proposed powers of Collector and Magistrate; and the arrangement, if approved of by the Board, may for the present be suspended.

37. The

* Regular suits	920
Summary ditto	1,725
Total	2,645

† Regular suits	525
Summary ditto	878
Total	1,403

‡ Regular suits	1,203
Summary ditto	1,065
Total	2,268

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37. The expense attending the several arrangements above suggested would be confined to the salaries of the European officers, as it would not, I apprehend, be necessary to augment (or, at all events, in a very trifling degree) the present establishments of native officers. The following rough statements will shew the probable additional expense to be incurred:—

Separate Magistrates at Kishenagur, Jessore, Hooghly, Tirhoot, and Purneah, at 1,600 rupees .... Rupees	8,000
Extra allowance to the Collector of Rungpore	500
Salary to be granted the Collectors and Magistrates of Ramghur and the Jungle mehals, at 1,600 rupees	3,200
Rupees	11,700

Deduct:—

Salary of Deputy Register of the Sudder Dewanny Adawlut and Nizamut Adawlut, and Translator of Regulations... Rupees	1,300
Salary of the Assistants to the Superintendent of Police and the Secretaries in the Territorial and Judicial departments, including the extra allowance as Magistrates of Calcutta, at 1,000 rupees	3,000
Present allowance of Collector and Joint Magistrate of Ramghur...	1,500
Present Register and Assistant Collector of Jungle mehals	900
Rupees	6,700
Deduct from .... Rupees	11,700
The sum of	6,700
Nett expense	5,000

To this must be added:—

Salary of three uncovenanted Assistants to the Secretaries in the Judicial and Territorial departments, and Superintendent of Police, at 500 rupees	1,500
Allowance to the Persian and Bengalee translators, for translating the Regulations, say	800
Salary of an additional Magistrate in Calcutta	900
Total additional expense .... Rupees	8,200

38. No deduction is made on account of the salary of one of the Registers at Tirhoot, whose services may now be conveniently employed in another district.

39. If the present measures should operate so as to reduce very materially the arrears depending before the Judges of the several districts above specified, and to improve the efficiency of the police, the functions of Judge and Magistrate may again be united in the same hands, and an arrangement similar to that now proposed be introduced into other districts which may chiefly require such relief.

40. I am not aware that any new legislative enactments will be necessary on this occasion.

(Signed) J. ADAM.

MINUTE

MINUTE of J. H. HARINGTON, Esq.

Dated the 18th June 1823.

Mr. Harington's Minute, 18 June 1823.

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1. The defective state of our civil service, with respect to the inadequate number of covenanted servants of the Company for the execution of the public duties appertaining to the internal administration of the country, especially in the Revenue and Judicial departments, is indeed a most serious evil; and I fully concur in the Governor-General's suggestion, that we should earnestly solicit the attention of the Honourable Court of Directors to the actual state of the service in this respect, as urgently requiring a very considerable augmentation of the number of civil servants on this establishment, as soon as circumstances may admit of it.

2. In a memorandum from the Chief Secretary, dated the 1st January 1821, and recorded in the Judicial department (with drafts of Regulations II, III, and IV, of 1821) on the 19th of that month, it was stated that "the administration of civil and criminal justice, and the management of the "police, within the provinces into which our code of Regulations has been "actually introduced, would require, under the full operation of the system "now in force, the employment of one hundred and ninety-one covenanted "civil servants, according to the following statement:

"Sudder Dewanny and Nizamut Adawlut, four Judges.	
"A Register, Deputy Register, and Translator of the Regulations.	
"A Reporter of civil and criminal cases, and three other Assistants, "six ....Total	10
"Six Courts of Appeal and Circuit, each consisting of four Judges "and a Register..........	30
"Forty-six Zillah and City Courts, including each one Judge and "Magistrate, a Register, and an Assistant	138
"Eight joint Magistrates	8
"Two Superintendents of Police and two Assistants	4
"Superintendent and Remembrancer of Legal Affairs..........	1
	191

3. Since the date of the above statement a fifth Judge has been added to the courts of Sudder Dewanny and Nizamut Adawlut, and the number of joint Magistrates is increased to twelve;* but, on the other hand, the Registers to the six provincial courts have been discontinued. The total number, therefore, may still be assumed, as before, at about one hundred and ninety-one and including some additional Magistrates, whom it would be desirable to appoint, if we had the means of doing so, as well to relieve the Zillah civil courts as for the improvement of the police and more ready administration of criminal justice, the complement of European Judicial officers required for this presidency, may be fairly computed, on the results of actual experience, to be not less than two hundred.

4. But of this number it appears from the Statement No. 1, accompanying the Governor-General's minute, that 147 only are at present employed in the Judicial department, and of these six are absent at sea for the recovery of health.

5. The Governor-General has further noticed the want of civil servants to supply an augmentation to the establishment of revenue officers, which is urgently called for in the Western Provinces; as well as the necessity which now exists for our employing military instead of civil servants in the Political department.

6: It

* Azeemghur, Balasore, Buagundee, Buggoorah, Boocundshehur, Deyra Doon, Futehpoor and Cawnpore, Khoordah, Malda, Monghir, Moradabad, N. D. Nuggeenah, Shajehanpore.

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6. It therefore appears advisable that a separate letter should be immediately addressed to the Honourable Court on this subject; and that, with reference to the facts adverted to, as well as to the average number of annual deaths and resignations in the civil service, as specified in the Statement No. 2, accompanying the Governor-General's minute, the Court of Directors should be requested to adopt, as soon as practicable, the necessary measures for supplying the actual deficiency in the civil service of this establishment, which should consist of at least 450 civil servants, as well as for keeping up a full complement to that extent in future.

7. In computing the aggregate number of civil servants required for the various duties of the public service under this Presidency at 450, I have referred to the actual number as stated in the accompaniment to the Governor-General's minute, No. 2, *viz.* 370; and to the deficiency above mentioned in the Judicial department alone, *viz.* sixty-three,‡ making together 433, which leaves seventeen only to supply deficiencies in the Revenue and Political department.

8. The several arrangements proposed by the Governor-General for the immediate relief of some of the civil courts, and for facilitating the administration of criminal justice, and improving the police in particular districts, appear to me judicious and expedient, under circumstances, and have therefore my entire concurrence.

9. The most important of those arrangements, *viz.* that of appointing district Magistrates in five zillahs, where the combined duties of Judge and Magistrate have been found more than could be performed by the same officer, and where consequently the business of the Civil Court has fallen much in arrear, corresponds with the sentiments I have already expressed as applicable to such cases of emergency, in paragraphs 168 and 169 of the report of the Sudder Dewanny and Nizamut Adawlut, dated 9th March 1818, on the amendments of our existing Judicial system and Police discussed in a general letter from the Honourable Court of Directors, under date the 9th of November 1814.

10. Paragraphs 164 to 167 of the same report contain also my declared sentiments with those of the other Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, on the general question of transferring the charge of the police and execution of the duties of Magistrate to the Collectors under this Presidency.

11. But whilst the Governor-General's remarks on the present impracticability of uniting the offices of Collector and Magistrate in the Western Provinces, in Benares and Behar, and in many of the Bengal districts, confirm the opinion given by the courts abovementioned on the inexpediency of any general arrangement of this nature in the present state of the country, I fully agree with him that there is no reason "why the experiment should not be "tried in any particular district in which the Collector may not only be well "qualified for the task, but may have sufficient leisure to execute it without "interfering with his duties in the Revenue department; and where, at the "same time, the business devolving upon the Judge and Magistrate is par- "ticularly laborious." I therefore entirely concur in the proposed adoption of this experimental measure in the districts of Rungpore, Ramghur, and the Jungle mehals.

12. I will only add, that the proposed appointment of an additional Magistrate for the town of Calcutta, instead of the three Assistants in the civil service, who are to be employed elsewhere, appears to be indispensably necessary; and that I doubt not the Honourable Court of Directors will admit the sufficiency

† Deaths, nine; resignations, thirteen. Or, if the average be taken from the last six years, the number of deaths must be stated at twelve, making, with thirteen resignations, twenty-five vacancies to be supplied annually.

‡ Complement as stated	200
Now employed in Judicial department	137
	63

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sufficiency of the reason assigned for a temporary unavoidable deviation from their general instructions relative to the employment of uncovenanted servants, in the three subordinate offices which are specified in the Governor-General's minute.

18th June 1823. (Signed) J. HARINGTON.

JUDICIAL LETTER *from the* COURT *of* DIRECTORS *to the* BENGAL GOVERNMENT,

Dated the 23d July 1824.

Judicial Letter to Bengal, 23 July 1824.

1. Our last despatch from this department was dated the 28th April last.

2. We now reply to that part of your letter of the 3d July 1823, which relates to the present state of the Bengal Civil Establishment.

3. You inform us that you experience difficulty and embarrassment in providing for the efficient administration of the civil affairs of your Presidency, and you request us to take into our early consideration the expediency of adding to the number of civil servants on the establishment.

4. From the minutes of Mr. Adam and Mr. Harington, to which you have particularly drawn our attention, we learn that military officers, instead of covenanted civil servants, have been appointed Assistants to the Commissioner in Saugor; that you have resolved to nominate uncovenanted Europeans to several offices held hitherto by civil servants of the Company, and that you require of us, to meet the actual demands of the service, no fewer than eighty writers.

5. Nearly twelve years have now elapsed since an application was made to us by the Governor-General in Council for an additional supply of sixty writers;* and the application was accompanied with a remark, that "if the "solicited relief was proposed to be met by the usual course adopted in the "supply from Hertford College, it could not answer the exigency." In reply to that application, we acquainted the Government † that though more than the usual number of students had been taken from the College in the seasons 1812-13 and 1813-14, for the purpose of being sent as writers to Bengal, we had, nevertheless, been induced to send out five gentlemen who had not passed through the College, but who, after an examination by the principal, had been certified by him to be very satisfactorily qualified for the appointments, besides transferring two others from the military to the civil establishment. We at the same time expressed a hope that those appointments, although in the whole falling short of what had been required, would obviate the apprehended inconvenience of not appointing the full additional number which had been applied for, adding the following important intimation: "By the 46th clause of the Act of the 53d George III, cap. 155, "you will observe that no writers can be appointed for India from and after "the 10th April 1814, who have not been four terms in the East-India College, consequently no appointment can take place in future, but in strict "conformity with the directions contained in the said Act." The only notice taken of these paragraphs by the Government was,‡ that they required no reply, leaving us to infer that no inconvenience was apprehended from only a limited compliance with its requisition.

6. The provisions of the Act of 1813 ought to have impressed our Government with the importance of giving the earliest possible information of any existing or apprehended deficiency in the number of our civil servants, and had we received timely notice that unless a greater than the ordinary supply were furnished there would be a necessity for calling in the aid of military officers and uncovenanted Europeans, we should have had an opportunity of determining

* Letter from Bengal in the Public Department, dated 18th December 1812.

† Public despatch to Bengal, dated 18th February 1814.

‡ Letter from Bengal in the Public Department, dated 29th November 1814, par. 15.

Judicial Letter to Bengal, 23 July 1824.

determining whether these expedients were allowable, or whether some other arrangement might not be devised to meet the exigency.

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7. It cannot fairly be alleged that an additional demand for writers to any considerable extent, and much less to the extent specified, has arisen out of the events of the late wars, because the accession of territory to your Presidency consequent on those wars has not been very considerable, and at any rate the increased demand (if any) likely to be occasioned by such accession might have been foreseen six years ago.

8. In requiring now an immediate supply of eighty writers, you have required of us that which, under the Act of the 53d Geo. III, cap. 155, it is impossible for us to perform; still we shall use every endeavour to comply with your application to the full extent of the means we possess under the existing law, and we hope to be able to add considerably to your usual annual supply.

9. But whatever may be the urgency for increasing your European civil establishment, and to whatever extent it may be found necessary to carry that increase, we cannot let the present opportunity pass without again inculcating that which we have endeavoured to impress upon you on various occasions in the course of the last ten years, namely, the advantage and necessity of a more extensive employment of native agency in the Judicial department of the service. The Regulations passed by you with this object in the beginning of 1821 have our cordial approbation, and we were greatly pleased with the valuable memorandum which was then submitted to you by your Chief Secretary, Mr. Bayley, explanatory of the policy which had influenced the framing of those Regulations. But though, under the provisions then made, the powers of Moonsiffs and Sudder Aumeens were increased, and their number may be increased indefinitely, we apprehend, from the large arrear of undecided causes stated in Mr. Adam's Minute to be depending in some of the Zillah courts, that both the number and powers of those functionaries are still inadequate.

10. We are satisfied that, to secure a prompt administration of justice to the natives of India in civil cases, native functionaries must be multiplied, so as to enable them to dispose, in the first instance, of all suits of that description; and as appears to us, without regard to the amount at stake, their decisions being of course liable to revision under appeal, where this check may be deemed indispensable, and what perhaps is of no less importance, their general conduct being subject to a constant and vigilant supervision on the part of the European functionaries in the districts where they are stationed. It should be the duty of the latter not only to hear appeals, but to inquire into, and to report to Government periodically on the efficiency of the native agents employed more immediately under their eye, and the degree of estimation in which they are held by the community, whilst it should equally be the care of Government to reward the deserving, and to testify in the most marked manner its displeasure against persons of an opposite character.

11. The policy of restricting, as is done by the existing Regulations, the powers of the native Judicial functionaries to hear and decide on causes where the interest at stake is of a limited value, appears to us to be questionable; for this reason, that a suit of 500 rupees may be more difficult to decide, and with reference to the circumstances of the litigant parties, of more importance than a suit involving ten times the amount. We are doubtful, too, whether corruption is not more likely to occur in small causes than in those which from their magnitude attract more general attention, and the progress and issue of which are more narrowly watched.

12. The adjudication of appealed civil suits, the general supervision of the native Judicial agents, the superintendance of the police, and the administration of the higher departments of criminal justice, with the settlement and collection of the revenue, will afford ample occupation to those of our covenanted European servants who devote themselves to the internal administration of the country. By aiming at more than we can accomplish, we endanger the attainment of that which is within our reach; and it is justly observed in the memorandum of Mr. Bayley already alluded to, that, in consequence of "minute details, and the most laborious, and even inferior duties, being

"imposed

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" imposed on our European Judicial servants, there is a want of active " control over the conduct of the native officers, without which the latter " cannot be safely trusted in matters of importance. Hence, also, that accu- " mulation of arrears, and those embarrassments of other descriptions, which " have counteracted the increasing endeavours of the most able men, to infuse " into the executive branch of the Judicial administration an adequate degree " of general and permanent efficiency."

13. It has frequently been objected to the employment of the natives of India in Judicial offices, that they cannot be safely trusted with the administration of justice. To this objection it might perhaps be a sufficient answer to say that they are already so trusted. But our principal reason for noticing the objection is, that we may impart to you our decided conviction that, when we place the natives of India in situations of trust and confidence, we are bound, under every consideration of justice and policy, to grant them adequate allowances. We have no right to calculate on *their* resisting temptations, to which the generality of mankind, in the same circumstances, would yield: but, if we shew a disposition to confide in them, and liberally to reward meritorious service, and to hold out promotion to such as may distinguish themselves by integrity and ability, we do not despair of improving their characters, both morally and intellectually, and of rendering them the instruments of much good. It will be gaining a most important point, if we can substitute a well-regulated and responsible agency for that unauthorized and pernicious influence which there is reason to fear that the native officers of the Adawluts are in the habit now of too frequently exercising over the proceedings of those courts.

14. The sentiments above expressed are in perfect conformity with the views which were communicated to you in our despatch from this department of the 9th November 1814, and which had been in like manner imparted to the Madras Government, in a despatch dated the 29th of April preceding. On some of the suggestions contained in those despatches there were, as might have been expected, differences of opinion among our servants in India; the experiment, however, of employing native agency in the administration of justice has been tried with success on a larger scale in the Madras provinces, where it has greatly relieved the Zillah Courts from a pressure of business, to the expeditious despatch of which they had been found unequal, besides having, as we believe, been attended with other important benefits; and we have derived much satisfaction from observing a spreading conviction of its utility. Mr. Secretary Bayley, in the memorandum already quoted, describes this employment of natives, subject to vigilant examination and control, as one of the " best adapted to their character and circumstances." " The " propriety," he adds, " of augmenting the efficiency of the native Judicial " officers is supported by numerous authorities, both here and at home. The " measure has been tried at Madras with acknowledged benefit, and the Gover- " nor-General, Mr. Dowdeswell, and Mr. Stuart, in their several minutes, " dated the 2d October 1815, the 22d September 1819, and the 21st August " 1820, have recorded sentiments favourable to its extension in the provinces " under this presidency. It has been attempted with success in the Delhi " territories, as both Mr. Metcalfe and Mr. Fortescue have fully attested in " their respective reports. It has been recommended by the Court of Sudder " Dewanny Adawlut, in their detailed reports on the points stated in the " letter from the Honourable Court of Directors, dated the 9th November " 1814, and the views and reasonings contained in that letter itself are entirely " consistent with such a measure." You have not, however, made any distinct reply to our letter of 9th November 1814, an omission on your part which we now desire may be supplied. We required you to recur to the practices of Native Governments, and to make use of the ancient institutions of the country in the manner we pointed out. It was to the extensive employment of punchayets, heads of villages, and heads of caste; and to the transfer to the Collectors of an important portion of the functions both civil and criminal, hitherto exercised by the Judges and Magistrates, that we chiefly looked for a substantial improvement in the administration of justice under your presidency.

15. You

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Lower and Western Provinces.

Civil Establishment.

15. You have, indeed, transferred to the Collectors of certain districts the functions of Magistrates. In this respect you have acted in conformity with our declared wishes: but in constituting in other districts a separate office of Magistrate you have pursued a course unsanctioned by us, and have thereby multiplied your demand for European agency, at a time when you found your establishment unequal to the ordinary wants of the service.

16. You will conclude from the tenour of the foregoing paragraphs, that in notifying to you our intention to increase the number of our European Civil Servants as circumstances may permit, we are actuated solely by a desire to add to your means of active and vigilant superintendence and control, and not by the vain expectation or hope of enabling them to transact the details of administration, a duty for which their superiority of qualification may be doubted, and which would occupy much of that time which may be more usefully employed. Still less have we been influenced by the "present "flourishing state of our finances," which has been adduced as a consideration in favour of the measure. When the revenues of a state are more than sufficient to defray the necessary expenses incurred on account of its government and defence, the people are entitled to look for relief from part of their burthens; and you will, besides, have seen from our recent despatches in the Military and Financial departments, that according to the best view which we can take of the actual state of our affairs, it is not such as to exempt you from the strictest attention to economy in every department of your administration.

17. In regard to the expedients to which you have resorted for the purpose of supplying the present alleged deficiency in our civil service, we do not object to your employing the Professors of the College in the business of translation. The placing of uncovenanted Europeans in the most important departments of Government, immediately under the Secretaries, was a measure which the most urgent necessity alone could justify, and we desire that they may not be continued in those situations beyond the duration of the exigency which occasioned their appointment. This class have not the same claims on us as the natives, and we have not the same hold on them as on covenanted servants.

18. We desire that you will, with the least possible delay, transmit to us a list of all the uncovenanted Europeans now in your service, specifying their names, occupations, and salaries, and the extent and value of the services which they may have rendered. We are anxious to preserve a control over every class of persons in our employment, and above all to possess the means of determining on the expediency, or otherwise, of increasing or diminishing the number of any particular class so employed.

We are, &c.

London, 23d July 1824. (Signed) W. ASTELL, C. MARJORIBANKS, &c. &c. &c.

JUDICIAL LETTER *from the* COURT *of* DIRECTORS *to the* BENGAL GOVERNMENT,

Dated the 8th December 1824.

Judicial Letter to Bengal, 8 Dec. 1824.

Lower and Western Provinces.

Civil Justice.

1. Our last letter to you in this department was dated the 20th October last.

2. In the hope of receiving your detailed answer to our letter of 9th November 1814, we have abstained from addressing you upon many matters connected with your judicial system and the state of the courts, which have nevertheless been the subjects of our anxious deliberation.

3. In preparation for the discussion which that answer will necessarily induce, we have carefully examined the statement of suits entered, decided, or depending, which within several past years we have received from you; and we think it useful to communicate to you the result of this examination of the state of your civil judicature, without referring on the present occasion to

to the various important matters contained in our letter of 9th November 1814, which will be more conveniently recurred to when we receive your long expected reply to our orders.

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Civil Justice.

4. The Regulations passed in 1814, which were in operation from the beginning of the next year, materially affected the institution and decision of civil suits, and as they continued in force without any remarkable alteration (except as to certain points which will be noticed), till the end of 1820, it will be useful to advert to the business as it stood during that period.

5. The following table shews the number of suits instituted or admitted in the several courts from 1814 to 1820.

	1814.	1815.	1816.	1817.	1818.	1819.	1820.
Sudder Dewanny Adawlut	166	111	130	88	53	120	171
Provincial Courts	1,231	981	1,007	1,117	1,229	911	1,307
Courts of Zillah Judges..	6,267	2,867	2,086	2,992	6,387	7,776	9,404
Registers	10,647	7,066	11,143	14,048	11,271	10,553	9,233
Sudder Ameens........	23,841	33,364	39,369	40,748	39,983	43,428	46,471
Moonsiffs	125,491	74,420	52,550	60,048	82,412	95,505	108,684
Total....	167,643	118,809	106,285	119,041	141,335	158,293	175,270

6. By the abolition of the office of Assistant Judge, and by the extension of the powers and the addition to the number of Registers, many descriptions of suits which, under the rules in force before 1815 would have been admitted into the courts of the Zillah Judges, were thrown into the courts of the Registers; and by the diminution of the number of the Moonsiffs and the abridgment of their powers, with the extension of the jurisdiction of the Sudder Aumeens and the increased number of the tribunals, many additional suits came into the courts of the Sudder Aumeens.

7. Some of the differences in the table may be thus accounted for; but the general falling-off in the institution of suits, in the years immediately succeeding 1814, is no doubt to be chiefly ascribed to those provisions of the Regulations, which added to the expense of suits in the first instance, which limited the jurisdiction of the Moonsiffs, and which imposed restrictions on the admission of the suits of paupers.

8. Comparing the suits admitted in 1814 with the average of those admitted in the years 1815, 1816, and 1817, in the courts of the Judges, Registers, and Sudder Aumeens, taken together, it will be seen that the numbers were:

In 1814 40,755
Average of 1815, 1816, and 1817 50,561

being an increase of 9,806; and making a similar comparison of those in the Moonsiffs' Courts, the numbers will be found:

In 1814 125,491
Average of 1815, 1816, and 1817 62,339

being a decrease of 63,152.

9. In 1817 the Moonsiffs, who had been prohibited by the Regulations of 1814 from receiving suits in which the cause of action had originated more than one year from the time of preferring the suit, were allowed to receive those in which the cause of action had originated within three years; and the expenses charged upon small suits, which being excluded from the cognizance of the Moonsiffs had been forced into the superior courts, were reduced.

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The effect of these changes was, that the number of suits in the courts of the Moonsiffs increased very greatly, and those in the other courts considerably.

10. The Regulations of 1814, therefore, prevented the institution of suits, by rendering justice more difficult of access than it had been before; and those of 1817 promoted the institution of suits, by removing some of the obstacles which had been opposed to suitors.

11. The suits which the records shew to have been instituted in the several courts, from 1797 (the earliest date from which there are any accurate statements) to 1813, are as follows:

In 1797	330,977	In 1806	251,414
1798	382,483	1807	221,404
1799	368,274	1808	249,890
1800	357,283	1809	229,091
1801	362,342	1810	199,662
1802	353,801	1811	222,528
1803	256,676	1812	186,421
1804	295,931	1813	184,790
1805	268,687		

12. The suits instituted formerly were, therefore, much more numerous than those in later years, and it is to be remarked that till the year 1805 the Ceded and Conquered Provinces were not included in the jurisdiction of the courts.

13. The suits decided in the several tribunals during the period to which we have referred were as follows:

	1814.	1815.	1816.	1817.	1818.	1819.	1820.
Sudder Dewanny Adawlut	69	94	120	161	144	82	174
Provincial Courts	1,096	1,106	1,131	1,385	1,839	1,165	1,327
Zillah Judges..........	6,398	5,744	6,618	6,828	6,254	5,566	6,422
Registers	7,930	8,953	12,066	12,587	11,269	9,584	8,259
Sudder Aumeens	24,090	26,702	38,922	42,559	42,378	41,019	43,226
Moonsiffs.............	132,466	93,953	72,055	68,983	77,326	91,324	103,167
Total......	172,049	136,552	130,912	132,503	139,210	148,740	162,575

14. The Sudder Adawlut had four and occasionally five European Judges, and the six Provincial Courts had each four; there were forty-six Zillah Judges, with as many or more Registers, more than double that number of Sudder Aumeens, and perhaps about fifteen Moonsiffs, on an average, to each zillah. The number of courts, on the whole, we suppose to have been fully nine hundred.

15. In 1814 arrangements were made for the conduct of business in the Sudder Adawlut and Provincial Courts, with a view to expedite decisions, and their establishments were enlarged.

16. The average number of decisions passed by the Provincial Courts in 1815 and the five following years considerably exceeded those passed in 1814; and in the courts of the Zillah Judges and Registers taken together, and of the Sudder Aumeens, there was a large excess; but in the courts of the Moonsiffs there was a very great falling off.

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17. In the first three years of the period the average yearly decisions of the Moonsiffs were less by 54,000 than those of 1814; and in the last three years after the alterations of 1817, the average still fell short of the decisions of 1814 by about 40,000, while the average yearly decisions of Zillah Judges, Registers, and Sudder Aumeens together, during the whole period, exceeded the decisions of those tribunals in 1814 by a number less than 17,500.

18. The suits decided in former years by all the courts were as follows:

In 1797	282,395	In 1806	254,213
1798	346,574	1807	232,625
1799	373,265	1808	228,029
1800	353,758	1809	230,175
1801	376,417	1810	197,092
1802	344,526	1811	212,328
1803	308,033	1812	187,876
1804	278,180	1813	187,925
1805	271,109		

19. The decrease in the number of decisions may be ascribed partly to the increase of various sorts of business, which prevented the European Judges from deciding so many suits as they did formerly, but chiefly to the reduction of the number of native tribunals under Regulation XLIX of 1803. The decrease in the business done by those courts has been very great. In 1801 the Native Commissioners in the Lower Provinces and Benares disposed of 352,316 suits; in 1817, after the appointment of Sudder Aumeens, and after the accession of the establishment of the Ceded and Conquered Provinces, when the number of zillahs was increased from twenty-nine to forty-four, the number disposed of by all the native tribunals was only 111,542, being a difference of 240,774. In the year 1799, more suits were decided by the Native Commissioners in the zillahs (Jessore and Purneah) than were decided in 1817 by all the native judicatories taken together. In one of these zillahs the suits decided by them in several years were as follows:

Suits decided by natives in zillah Jessore in several years:

In 1798	65,057	In 1806	14,619
1799	73,801	1807	14,461
1800	64,979	1808	13,240
1801	43,466	1809	9,296
1802	31,074	1810	6,033
1803	34,633	1811	5,893
1804	21,802	1812	7,092
1805	16,229		

20. From the variety of miscellaneous duties and the concerns of the Criminal department which fall into the hands of the European Judicial functionaries almost exclusively, and from the difficulty which frequently occurs of making any addition to the numbers of those officers, the time devoted to the decision of civil suits in their courts is necessarily short, and liable to much fluctuation; but the native tribunals are in a very small degree subject to such interruptions, and their numbers can be increased with less difficulty, and comparatively at little expense.

21. It is unnecessary for us to repeat to you here what we have already urged on the impracticability of adding materially to the European part of the establishment.

22. As your reply to our orders of 1814 will, of course, convey to us your sentiments on the means of rendering the courts more effective by improving their forms, we shall defer our remarks on that subject.

23. The

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23. The suits depending at the beginning of 1815, and of the subsequent years, were as follows:

	1815.	1816.	1817.	1818.	1819.	1820.	1821.
Sudder Dewanny Adawlut	415	432	442	369	302	340	337
Provincial Courts	3,830	3,705	3,581	3,313	2,703	2,449	2,429
Zillah Judges..	19,775	16,898	12,366	8,530	8,683	10,893	13,875
Registers	11,119	9,262	8,339	9,800	9,802	10,771	11,745
Sudder Aumeens	21,932	28,594	29,041	27,230	24,835	27,214	30,489
Moonsiffs	77,768	58,235	38,730	29,795	34,881	39,062	44,579
Total.......	134,869	136,552	92,499	79,037	81,206	90,759	103,454

24. It will be seen that the increase of arrears in the courts of the Sudder Aumeens, from 1815 to 1821, was occasioned by an increase in the number of suits admitted, and not by a decrease in the number decided; on the contrary, the decisions after 1814 became progressively more numerous. In the courts of the European Judges the arrears were reduced chiefly by the decision of an increased number of suits. In the courts of the Moonsiffs, during the three first years, they were reduced by a falling off in the number of suits instituted; and during the last three, by an increase in the number decided.

25. An arrear being of importance only inasmuch as it indicates a delay of justice, it is to be remarked, that in the courts of the Sudder Aumeens, notwithstanding the increase of arrears, the delay was diminished, and that in the other courts the delay was reduced as well as the arrear.

26. As suits are heard in the order of their institution, the number of those decided in a given time, compared with the arrears, will shew the delay that would have occurred from the institution of a suit at any of the above periods to its decision.

27. Some old suits might remain on the files beyond the period so indicated, an equal number of newly instituted ones being brought on before their regular time; these, however, form but an inconsiderable part of the great mass of suits, and the general average of delay will be found as above.

28. There has been much fluctuation in the number of suits decided at different times and in different courts, and the delay has, of course, varied accordingly; as an example, the following table has been compiled, shewing the number of suits decided and depending in one zillah, with the corresponding delay for the last nineteen years, the rate of decision being always supposed to be that of the preceding year.

TABLE,

TABLE, *shewing the Number of Suits decided in the Courts of the Zillah Judges, Registers, Sudder Aumeens, and Moonsiffs, in the Zillah of Burdwan, and the Number expended at the end of the Year, with the average Delay of Judicature in all the Courts.*

YEARS.	JUDGES' COURTS.			REGISTERS.			SUDDER AUMEENS.			MOONSIFFS.		
	Decided.	Depending.	Delay.	Decided.	Depending.	Delay.	Decided.	Depending.	Delay.	Decided.	Depending.	Delay.
			Months.			Months.						Months.
1802	270	215	9½	682	1,451	25	*Mem.*—At this time there were no Sudder Aumeens.			11,514	7,354	7¼
1803	276	431	19	380	1,546	48			Months.	9,048	4,580	6
1804	217	568	31	355	964	33	506	600	14	5,087	4,890	11½
1805	113	891	95	125	933	89	473	2,684	68	6,393	7,476	14
1806	333	1.199	43	305	823	32	1.299	2.936	27	11,298	7,879	8¼
1807	837	759	11	234	547	28	1,628	2,274	16	8,975	5,608	7½
1808	398	692	20	226	373	19	1,765	1,332	9	5,123	4,716	11
1809	353	361	12	241	207	10	1,420	632	5	4,968	4.307	10
1810	154	1,046	80	195	161	10	1,146	929	9½	7,054	2,647	4½
1811	409	1.459	42	254	189	9	1,470	1,364	11	5,899	2,464	5
1812	327	1,380	50	167	421	30	1,979	2,420	14	5,559	2,609	5¼
1813	442	1,639	44	492	312	7½	2.875	1.997	8	4,774	2,300	5½
1814	310	2,135	82	733	182	3	2,895	1,496	6	3,065	2,052	8
1815	236	3,058	156	432	290	8	2,402	2,621	9	3,740	1.693	5¼
1816	280	896	38	2,991	828	3	1,084	2,975	8½	3.058	1.169	4½
1817	404	511	15	1,101	1,017	11	3,517	2,516	8½	2.153	986	5½
1818	513	213	5	696	1,283	22	3,323	1,967	7	3,103	1,245	4¾
1819	25	391	161	575	1,651	34	3,006	2,283	9	2,767	1.191	5
1820	402	336	10	509	1,862	42	3,408	2,110	7	3.894	1,077	3¼

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29. The Sudder Adawlut had estimated from an average of the decisions of three preceding years, that the delay at the beginning of 1815 would be as follows:

	Years.	Months
In the Sudder Adawlut	6	3
—— Provincial Courts, nearly	4	0
—— Courts of Zillah Judges, upwards of	3	0
—————— Registers	1	5
—————— Sudder Aumeens	0	11
—————— Moonsiffs	0	6

And the time which actually passed before numbers of suits equal to the arrears of 1815 were disposed of was as follows:

	Years.	Months
In the Sudder Adawlut	3	3
—— Provincial Courts	3	0
—— Courts of Zillah Judges	3	1
—————— Registers	1	2
—————— Sudder Aumeens	0	9
—————— Moonsiffs	0	9

30 The delay at the beginning of 1821, taking the rate of decision to be that of the average of the three preceding years, would have been:

	Years.	Months
In the Sudder Adawlut	2	6
—— Provincial Courts	1	8
—— Courts of Zillah Judges	2	2
—————— Registers	1	2
—————— Sudder Aumeens	0	8½
—————— Moonsiffs, nearly	0	6

31. Suits are sometimes prevented from being brought to a speedy decision by causes arising out of the circumstances of the case of the parties and their agents, or of the evidence; but the chief interruptions to which suits are liable are those especially referable to the law, the procedure, or the Judicial establishment. In all cases, considerable time is consumed in admitting the suit, preparing and conducting the trial, hearing the parties and evidence on both sides, applying the law to the fact, and at every step endeavouring to preserve the best securities for justice. In reply to our orders of November 1814, you will advert to any causes of delay that may justly be imputable to technicalities in your system or its operation, distinguishing those causes which are avoidable from those which cannot be removed without admitting some greater evil than delay. We remark that of 46,153 suits instituted in the several zillahs of the Barelly division, from 1811 to 1816, 1,746 (that is a portion less than four per cent. were for property above 500 rupees) and below 5,000. Of 1,549 suits depending at Cuttack in 1821, 68 (that is a portion little more than four per cent.) were for property of the like amount. We conclude that, in all the courts, the number of original suits exclusively belonging to the jurisdiction of the European tribunals must be very small, probably not five per cent. We suggest for your consideration whether it would not be advisable to direct that every Zillah Judge, when there are many suits in arrear on his file, should make a report to the Sudder Adawlut, specifying the number of appeals from the Registers and from the Sudder Aumeens, the number of original suits of an amount from 500 to 5,000 rupees, and the number of those which, though of small pecuniary amount, are excluded from the cognizance of natives. With the exception of these cases, every part of the arrear might be disposed of by Sudder Aumeens, if a sufficient number of qualified and trustworthy natives can be found for these offices.

32. Your Regulations have provided, that certain descriptions of suits, the speedy decision of which it was most desirable to ensure, should be disposed of, not by the regular mode of trial, but by summary process. It is to be remarked, that these suits are not included in the tables of regular suits before noticed, and they constitute a formidable addition to the ordinary business of the courts. Their numbers instituted in the three last years were as follows:

In

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In 1818	34,360
1819	39,819
1820	47,347
Total in three years	121,526*

33. But whatever addition may be made to the number of tribunals, and whatever improvements may be effected in the arrangement of the business, it is of primary importance that the proceedings of the courts should be in conformity with law and justice.

34. We have to regret that facts which would serve to throw light on the quality of the judicature are but imperfectly known to us. The usual statements do not show the number of appeals to the provincial court, nor the proportion of decisions which are reversed or altered by them in appeal, nor the number of regular suits instituted with the view of procuring the reversal of the summary decisions, together with a statement of the manner in which such regular suits were decided; nor have we met with any statement of decisions by collectors of suits referred to them, nor are we aware of any criterion for estimating, however roughly, the decree in which appeals are prevented by law expenses and other obstacles. We desire to be furnished with information on these points, and any other which may be in your power to supply.

35. In the conduct of trials, in unravelling intricacies of particular cases, in eliciting truth from witnesses, in appreciating evidence, in applying the law to the fact, Indian Judges, unprepared by education or otherwise for the judicial office, have many peculiar difficulties to contend with. The code of regulations by which they are bound consists almost entirely of rules of procedure; the Mahomedan and Hindoo laws are the guide for their decisions in certain cases only, and in all others not specially provided for the Judge has no law but that of his own conscience. For propriety in the proceedings of the courts, therefore, little security is to be found in the state of the law and of the Judicial establishment.

36. It should be the constant aim of your Government to effect improvements in the legislation, by defining rights and by correcting the rules of judicial procedure, to render those who are called to administer the law competent to the execution of their duties, by affording them instruction in jurisprudence, and by raising the condition of the native functionaries so as to give them adequate motives for good conduct, continuing without relaxation your attention to the official reports and statements of business, and taking care that the proceedings of the courts are as public, as open to appeal, and as effectually superintended as circumstances will permit.

We are, &c.

London,
8th December 1824.

(Signed) W. ASTELL,
C. MARJORIBANKS,
&c. &c. &c.

* Calculated as before.

MADRAS JUDICIAL SELECTIONS.

EXTRACT JUDICIAL LETTER *from the* MADRAS GOVERNMENT *to the* COURT *of* DIRECTORS,

Dated the 11th March 1820.

Judicial Letter from Madras, 11 March 1820.

Suits of Paupers.

102. WE have passed and promulgated a Regulation,* entitled "a Regulation "for reducing into one Regulation, with Amendments and Modifications, the "several Rules which have been passed for admitting Persons of certain "descriptions to sue in the Courts of Civil Judicature as Paupers." By this Regulation, Regulation XIV of 1802, and sections 34 and 36 of Regulation VII of 1809, have been rescinded. The Regulation itself has been framed on Regulation XXVIII of 1814 of the Bengal code, but differs from it in some respects. By the former, the truth of the applicant's statement is to be investigated by the court, or by an authorized officer of the court, by an examination of the applicant or agent upon oath; and if any thing appears from which possession or fraudulent transfer of property may be suspected, the adverse party is permitted to shew cause why the plaintiff should not be admitted to plead as a pauper. By this provision it appeared to the Court of Sudder Adawlut at this presidency that a laborious duty was imposed on the courts in all cases, even though there were no reasons to suspect the truth of the petitioner's statement; nor did the mode of investigating by an examination of the applicant appear to them satisfactory: it has accordingly been directed by the Regulation which we have brought to the notice of your Honourable Court, that the parties whose interests are liable to be affected by the admission of a person to sue in *formâ pauperis*, shall, in all cases, be allowed to bring evidence to disprove the alleged poverty of the applicant; and, as a further check on the institution of groundless suits, that the opinion of a Vakeel shall be taken on examination of each pauper case, whether there be any ground of action. This Regulation was passed with the sanction of the Supreme Government.

EXTRACT JUDICIAL LETTER *from the* COURT OF DIRECTORS *to the* MADRAS GOVERNMENT,

Dated the 28th April 1824.

Letter from the Madras Government to the Court, dated 11th March 1820, par. 102.—Regulation of 1818, for admitting persons to sue in the Civil Courts as paupers.

Judicial Letter to Madras, 28 April 1824.

67. UNDER Regulation XIV of 1802, and IV and V of 1808, paupers were admitted to any court of civil judicature, on proving, to the satisfaction of the court, their inability to pay the fees and stamp duties; the tendency of Regulatiou VII of 1818 is to debar them from the courts almost entirely.*

68. By section 4, no person is allowed to sue as a pauper in any of the courts if the thing sued for do not exceed eighty rupees, or if it be for damages on account of personal injury, or for the recovery of penalties for breach of the Regulations.

69. In the limited class of cases in which a pauper may be admitted to the courts, he is subjected to great restrictions and difficulties.

70. By section 5 he is left quite at the mercy of a Vakeel of the court, whose opinion being given against him, his suit is finally rejected.

71. By

* Regulation VII. A.D. 1818.

71. By section 6 he is not allowed to file any pleading till he shall have furnished two good and sufficient sureties, who are to execute a security bond for his attendance, binding themselves, in the event of their not producing him whenever required by the court, as long as the suit is pending, to be answerable for such sum as may be adjudged against him, and for the performance of any order or decree which may be passed against him in the suit.

Judicial Letter to Madras, 28 April 1824.

Suits of Paupers.

72. By sections 8 and 9, the sums awarded against a pauper or his sureties may consist of a fine of 200 rupees, besides the full amount of the ordinary fees and costs of the suit.

73. The ground for enacting this Regulation we find only incidentally noticed in a letter from the Register of the Sudder Adawlut, in these words: "The frequent institution under the old law of groundless and litigious pauper-suits may be ascribed chiefly to the two following causes," &c.* We think this general statement, without any proof of the fact alleged, or any sort of account of the extent of the evil, and without any consideration of the practicability of correcting defects in the old law, did by no means justify so severe a measure, by which, in almost all cases, the most helpless of the community are excluded from justice.

74. We have therefore great doubts of the propriety of this Regulation, and we desire that you will forthwith revise it, and either restore the former law, or make some suitable provision for giving indigent suitors every practicable facility of access to the courts of civil judicature.

EXTRACT JUDICIAL LETTER *from the* MADRAS GOVERNMENT *to the* COURT *of* DIRECTORS,

Dated the 11th March 1820.

Judicial Letter from Madras, 11 March 1820.

New Board for preparing Regulations and revising the Code.

111. The number of printed copies of the Regulations being found inadequate to the supply of the public offices, it became necessary that a new edition of them should be printed, and it was thought that by the exclusion of all those which had been rescinded by Regulations subsequently passed, the provisions of those in force would be more clearly understood. By Regulation IX of 1802, the Judges of the several courts, the Magistrates, and the Boards of Revenue and Trade, were empowered to propose Regulations regarding matters coming within their cognizance respectively: this regulation imposed a laborious duty on the Court of Sudder Adawlut, to which all the Regulations were submitted, and by which they were, in fact, principally framed, the officers who were entitled to propose them being little conversant with the technical precision of law language. On the recommendation of the Judges of the Sudder Adawlut, to whom this subject was referred, we appointed a Board, composed of Mr. Ogilvie, Mr. Cassamaijor, and Mr. Wayte, for preparing Regulations, and we appointed Mr. Richard Clarke to be their secretary, on a salary of Rupees 700 per mensem; we placed them in communication with the Advocate-General, the Company's Solicitor, and the several translators to the Government. At the same time we directed them to frame a Regulation for rescinding Regulation IX of 1802, and furnished them with a copy of correspondence with the Sudder Adawlut and the Government at Fort William, relative to the proposed revision of the entire code of the Regulations, which duty they were directed to perform. To that correspondence we beg leave to refer your Honourable Court.

EXTRACT JUDICIAL LETTER *from the* COURT *of* DIRECTORS *to the* MADRAS GOVERNMENT,

Dated the 28th April 1824.

[...]ter from the Madras Govern[ment t]o the Court, dated 11th March [...]par. 111.—Regulation for re[scindin]g Regulation IX of 1802, and [appoin]tment of a Board for preparing [Regula]tions and revising the code.

Judicial Letter to Madras, 28 April 1824.

80. You have established a Special Committee for revising and reframing the code, or part of the code of Regulations, and for performing those duties which, under Regulation IX of 1802, belonged to the Sudder Adawlut.

81. The

* Judicial Consultations, 12th August 1818.

Judicial Letter to Madras, 28 April 1824.

81. The Committee consists of a member of each of the Boards of Revenue and Trade, and a Judge of the Sudder Adawlut, with a secretary, to whom you have given a salary of 700 rupees.

New Board for preparing Regulations and revising the Code.

82. It appears to us that the qualifications requisite for the revision of the code (an object, we admit, of great importance and necessity) are very unlikely to be found in a body so constituted, and that, without a better prospect of success, so difficult an undertaking should not have been attempted; nor can we understand why a new arrangement was necessary for the preparation of future Regulations.

83. The purpose of Regulation XX of 1793, of the Bengal Code, was to afford to Government the assistance of the Judicial officers in its legislative department, by empowering them to propose Regulations on all matters coming within their cognizance. In order to facilitate the consideration of Regulations so proposed, it was provided that they should be drawn out in a certain prescribed form, and submitted through the regular channels, the Sudder Adawlut forwarding them to Government, with such observations as the superior courts might make on the proposition of the inferior. This Regulation was adopted into the Madras code in 1802, with an additional provision, empowering the Boards of Revenue and Trade to propose Regulations.

84. We are not aware of any inconvenience having been felt in Bengal from the operation of this law, and we were surprised to find it had been rescinded at Madras, having always considered it to be not only as unobjectionable, but highly expedient.

85. The only part of the Regulation to which you objected was an enactment prescribing the transmission of the drafts in a certain form through the Sudder Adawlut. You remarked that 'Regulations were often drawn out informally; that in preparing and correcting them much trouble fell to the Sudder Adawlut.

86. By Section 13, Regulation IX, of 1802, informal drafts were required to be sent back for correction; and we conclude, if the law had been enforced, no inconvenience could have been felt by the Sudder Adawlut. The only instance of informality which has been noticed is in a draft which was modified by the court itself.

87. The modifying of the drafts must, no doubt, have occasioned some trouble to the Judges; but we are not aware of their having complained that they could not attend to this duty without neglecting other duties of importance.

88. The power to propose Regulations has been continued to the public officers, the only difference being that that which was before authorized by direct law is now authorized by an order of the Governor in Council. We see no advantage in this change.

89. For ensuring the discovery of imperfections in the Regulations, and giving to the Government the benefit of such information as the experience of their servants might enable them to supply, the passing of Regulation IX of 1802 was perhaps the best measure which could have been adopted.

90. Under the rules drawn up by the Committee, the Sudder Judges will have nearly the same trouble as they had under the old Regulation; except as to drafts from the Revenue and Commercial departments, which are now required to be submitted at once to the Committee.

91. The business permanently imposed on the Committee we should think would be better done by the Sudder Adawlut, and the form and technical language of the drafts might be as well preserved by the Deputy-Register, under their orders, as by the same gentleman in his capacity of secretary to the Committee.

92. You will, therefore, discontinue the allowances of the secretary to the Committee from the date of your receipt of this letter, and you will re-enact Regulation IX of 1802, with such modifications only as may be required for facilitating the despatch of business.

EXTRACT

Judicial Letter to Madras, 28 April 1824.

EXTRACT JUDICIAL LETTER *from the* COURT *of* DIRECTORS *to the* MADRAS GOVERNMENT,

Dated the 28th April 1824.

Revision of the Police at the Presidency.

Letter from the Madras Government to the Court, dated 11th March 20, par. 206 to 216.—Revision of police at the presidency.

167. From 1812 the business of the police and magistracy at the Presidency had been conducted at two offices by the Superintendent of Police and three Magistrates.

168. In one office the Magistrates were required to sit, two together, in rotation: in the other was the Superintendent with the third Magistrate.

169. In January 1818 it was thought necessary to alter this arrangement.

170. The office called the Rotation-office was found to be absolutely useless. By the Regulations two Magistrates were required to be there daily; but in practice one only attended for five days every third week, and then remained unemployed till his turn came round again. It was said by the Superintendent that the three Justices were generally unemployed, and that never more than one of them was to be found there at a time.

171. Government, in consequence, resolved that in future there should be only one office.

172. The Superintendent was relieved from constant attendance as a sitting Magistrate, but not excluded from officiating whenever his other avocations might permit. Instead of three Magistrates, four were appointed, two of whom were to attend daily from eleven to three o'clock. The Superintendent was constituted the head of the office, and he was entrusted with the sole management of the establishment.

173. But the four Justices who were thus appointed were not more efficient than the three under the former system; and, in July 1818, it was reported to Government by the Acting Superintendent that their sittings scarcely ever exceeded two or three hours a day. We also find that it was the custom of these gentlemen never to sit during the session of the Supreme Court.*

174. On the 8th May 1818 Mr. Fullerton recorded a minute, in which he objected to the Magistrates being placed, as they were, in subordination to the Superintendent of Police, and to their having no establishment of their own. He also stated that hardships had been suffered by some of the servants of the former establishment, who had been dismissed; and in a further minute recorded on the 25th of August, Mr. Fullerton stated, that referring to letters which had passed between Government and the Superintendent, and attentively considering the grounds on which the late alterations were made in respect to the magistracy and police, as well as other circumstances which had come to his knowledge, he was led to believe that some modifications were indispensably required.

175. The duties of Superintendent of Police, and his establishment, were in consequence separated from those of the magistracy; and the business which had been previously transacted by the Superintendent devolved on the Justices.

176. This arrangement was made in October 1818; and in April 1819, the inefficiency of the police became the subject of a presentment by the Grand Jury.

177. It would appear from the Superintendent's letter of the 2d September 1819, that some temporary arrangement had in consequence been made in the beginning of June, under which the business again fell into his hands.

178. The manner in which the duty was then performed is thus described by him:—"For the last three months the Superintendent of Police has had no less "than four colleagues, and has in general changed his coadjutor twice, and "sometimes even three times a week. Under such an arrangement, it is im-"possible that any regular system of proceeding can be adopted; and this, I "am sure, will be admitted when I add, that a case is frequently commenced "by one set of Magistrates and decided by another."

179. In

* Public Consultations, 1st May 1818.

Judicial Letter to Madras, 28 April 1824.

179. In October 1819, after a short correspondence with the Magistrates and the Superintendent of Police, you reverted at once to the system of 1812.

Revision of the Police at the Presidency.

180. No minutes having been recorded on the occasion, we are uninformed of the precise ground on which you again adopted that system, which you had abolished not two years before, in consequence of what appears to have been an ample experience of its results.

181. The alteration in October 1818 was made entirely at the suggestion of Mr. Fullerton, who objected that the Superintendent of Police had an improper predominancy over the Magistrates, and that the old servants of the magistracy were turned adrift. But as no charge of inefficiency was then made against the police, we conclude that the business was at least tolerably well managed, although, as the Superintendent has justly observed, there were too many Magistrates, and those Magistrates were not sufficiently employed.

182. The importance of securing regular attendance at the office appears to have been felt by Government, for it was resolved that it should be the duty of the Superintendent of Police to regulate the rotation, and if necessary to report to Government any irregularity in the attendance, and the names of the Magistrates for the week were to be notified in the public papers; but for the due performance of this essential part of the scheme no provision was made, and we do not observe that the subject was ever noticed again, either by Government or the Superintendent.

183. It would appear from the letter of the Magistrates, dated 19th October 1818, that in their view the great purpose of the arrangement was to provide for the servants of the establishment, particularly for Mr. Flower, the clerk. They say nothing about the attendance of the Magistrates, and their letter is confined to the acknowledgment of the receipt of the minutes of consultation, the transmission of a list of the establishment, and an explanation of the reasons which induced them to propose only eighty pagodas a month for Mr. Flower.

184. We know not what portion of Mr. Flower's time was applied to the business of the magistracy; but as to the Magistrates themselves, two of them were Commissioners of the Court of Requests, where they received 200 pagodas a month for doing one day's duty in a week; another was a barrister attached to the Supreme Court, and the fourth was a partner in a house of agency. The two first received 150 pagodas a month each as Magistrates, and the two last 350 pagodas each.

185. The time which each of these gentlemen was originally expected to devote to the office was four hours every other day. We have seen that their attention to the duties of it dwindled down to two or three hours, and that when their duties were no longer performed by the Superintendent of Police, the inefficiency of the Magistrates was not compensated by the efficiency of their clerk.

186. From the constitution of such a Board little zeal or efficiency could be looked for; they who had so many other avocations were not likely to bestow on the Magistracy more time and attention than they could spare from their avocations.

187. The suggestion of the Superintendent of Police, in his letter of the 10th May 1819, for reducing the number of Magistrates to two, and regulating the office, appears to us to be a plan well calculated for conducting the business in a satisfactory, and at the same time in an economical manner; it does not, however, appear to have been taken into consideration by Government.

188. We know no reason why the number of Magistrates should not be reduced from four to two. It is, at all events, obvious that two competent men efficiently employed, would be in every respect preferable to four acting on the old plan. We should not object to the Magistrates being allowed 350 pagodas a month each, provided they were men fit for their places, that their whole time and attention were applied to the business of the Magistracy, and that every practicable safeguard was established for securing the faithful and diligent performance of their duties.

189. The

189. The Magistrates, in their letter of the 19th October 1818, stated that they had in view the other situations held by Mr. Flower, and that if his receipts from those offices should in future be diminished by any contingency, or should they not amount to the monthly sum which they then calculated, they should think it necessary to submit his case for the favourable consideration of Government.

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Revision of the Police at the Presidency.

190. The proposed establishment was confirmed by Government, but nothing further passed about the attendance of the Magistrates.

191. It appears from a letter of Mr. Campbell, the acting Superintendent, dated 14th July 1818, that Mr. Flower's services were of no small importance. Mr. Campbell being of opinion that the disjunction of the offices then in contemplation was inexpedient, and understanding that a provision must be made for the late servants of the Justice's office, suggested a separate arrangement for Mr. Flower, and as contrasted with Mr. Flower he recommended another person as follows: "Mr. Kelly, the police clerk, is quite competent "to act as clerk to the Magistrates, and is precisely the description of person "that, in my opinion, ought to be employed on that duty. He is remarkably "diligent, attentive, respectable, and from long practice well acquainted with "his duty; "observing, that" to employ a person of superior education would "tend to make the places of Magistrates sinecures." He then goes on to remark that in England, where the Magistrates are not paid, and are not all acquainted with their duty, the clerk requires a salary for explaining to them the law; "but," Mr. Campbell adds, "where the Magistrates are liberally "paid, they ought all to be efficient and well acquainted with their duty, "and their clerk should be merely their ministerial officer, not their director "but their agent."

192. The police of the presidency has engaged less of the attention of Government than its importance demanded.

193. A code of Regulations for the police, prepared in 1812 by the Advocate-General, the Superintendent of Police, and the Magistrates, with the sanction of the King's Judges, which has been severely censured by some and highly praised by others, was rescinded in 1817, without any communication being held with those who framed it, and without any discussions being recorded on the proceedings of Government.

194. Ten new Regulations made by the Superintendent of Police are cursorily noticed in the Resolutions of Government of the 10th December 1817, as having been passed and sent to be registered in the Supreme Court; and within six months no copy of them was to be found, either at the office of the Superintendent or at the office of the Secretary to Government.

195. In the Assessment department, in the regulating of the boatmen at the beach, and in the exercise of the powers of the magistracy there, serious abuses were brought to the notice of Government, as having been practised at no very distant period: yet they do not appear to have engaged their attention.

196. We are desirous that you should bestow an early consideration on this important subject, if it should not already have received your attention, so as to model the police and magistracy of Madras in a way more conducive to the public interests.

MINUTE *of* R. FULLERTON, Esq.,

Dated the 7th of June 1820.

Minute of R. Fullerton, Esq., 7 June 1820.

Judicial System.

HAVING taken a considerable share in the discussion which preceded the introduction of the alteration directed in the Honourable Court's letter of the 29th April 1814, and having recorded a minute in March 1816, explaining the ideas I entertained of the then intended arrangement, founded on my own observations in the course of preceding service, I consider it a duty which I owe to myself as well as to the public, to leave on record the sentiments and opinions to which an attentive observation of their practical effects, during nearly four years' experience of those arrangements, has given rise.

1. The remarks which I have to offer will come properly into the discussion of the effects of the alterations of 1816, as set forth in the reports of the Sudder Adawlut, dated 21st September 1818 and May 1820.

2. In respect to the administration of civil justice, the following statement shews the progress of extension of the preceding years.

YEARS.	Native Courts.	European Courts.	TOTAL.
1813	24,888	4,663	29,551
1814	26,717	5,317	32,034
1815	30,684	7,928	38,615
1816	39,714	7,195	46,909
1817	66,302	4,749	71,051*

Of

1818:

By European Courts	3,783
Sudder Aumeens	4,337
Old Native Commissioners	10
District Moonsiffs	11,738
Village ditto	8,066
District Punchayets	75
Village ditto	197
Total	58,236

1819:

By European Courts	3,716
Sudder Aumeens	5,280
District Moonsiffs	33,726
Village ditto	4,393
District Punchayets	33
Village ditto	99
Total	57,246

Suits on the file, 1st January 1819:

European Courts	2,913
Native Courts	16,139
Total	19,052

1st January 1820:

European Courts	3,264
Native Courts	21,058
Total	24,322

Amount at issue on the above date...... Rupees 17,91,818.

Of the above 21,058, only the village jurisdictions and punchayets as follows:

District Punchayets	35
Village Moonsiffs	299
Ditto Punchayets	9
Total	343

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Of the last year the decisions by village courts were	6,981
Adjustments	3,312
Total	10,293
By village Punchayets the decisions were	214
Adjustments	36
Total	250
By district Punchayets' decisions	100
Adjustments.........	12
Total	112

It moreover appears that the number of causes pending before the European courts stands as follows:

1st of January 1814.........	6,247
Ditto ...... 1815.........	6,648
Ditto ...... 1816.........	6,467
Ditto ...... 1817.........	4,603
Ditto ...... 1818.........	3,565

3. The foregoing shews that during the year 1817 the adjudication of civil suits by native judicatories amounted to 66,302, exceeding those of the former year by no less than 26,588; that of those were decided by Sudder Aumeens and Moonsiffs 10,843; by district Punchayets 112; and by village Punchayets 250. It hence appears that the great weight of civil adjudication rests on the district Moonsiffs. It appears that the decision of European judicatories of causes pending before them have considerably diminished; so far, then, the great object has been attained. The adjudication of disputes is much extended, and native agency has, in the administration of justice, in a very great degree relieved the European courts from that pressure of business hitherto considered so embarrassing.

4. The report of the Sudder Adawlut shews that the adjudication of suits by natives has progressively extended; and from the course of reasoning pursued by them, it appears to be their opinion that the extension of that adjudication during 1817 is only a continuation of that progressive increase going on since the first establishment of the courts in 1802; but it appears to me that there are circumstances inherent in the late alteration, which have produced effects that could not have resulted from adherence to the previous practice. It is very true, as the Court remark, that the number of district Moonsiffs is less in the aggregate than that of the former Native Commissioners, but it must be recollected that those Commissioners were unequally distributed throughout the country; some zillahs had, I believe, the full number contemplated by the Regulations of 1802; some had very few: I believe some had none, except the law officers of the court.

5. It must be recollected also, that the Native Commissioners formerly appointed were not men of business; they were merchants, and persons who had other affairs to look after, and they were not regularly paid. The difficulty, indeed, of finding persons proper to act as Moonsiffs has often been adduced as the reason why the establishment of them, as contemplated by Regulation XVI. of 1802, has never been completed. The district Moonsiffs, on the other hand, are persons brought up to business, selected under direction of the Provincial Courts; they are paid by Government, and they are equally divided with reference to the extent and population of the respective zillahs.

6. A due consideration of all those circumstances will account for the vast and sudden increase of adjudication by this branch of the general administration; but while I admit the great improvement that has resulted from the better arrangement of the native judicatories, and the better selection of their members, it is still obvious to remark that the whole structure of improvement rests

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rests on the basis and principles of the system of 1802. The district Moonsiffs are to all intents and purposes servants of the Government, stipendiary native judges, a new description of persons, unknown under native governments: they are not the native gentry of the country, nor has their appointment any connexion with the gratuitous labour formerly required by ancient municipal arrangements, nor is it any way dependent on the execution of revenue or other duties of the Government; on the contrary, it is exactly the complete disconnexion with revenue that constitutes their efficiency.

7. In what degree and to what extent natives might safely be entrusted with the administration of justice, or whether they might be entrusted at all, has often been a question. It is now decided apparently in favour of native adjudication; where due measures of precaution are taken, where prescribed rules are laid down, appeal admitted, and all the acts of the native judges are entirely disconnected from revenue duties, and liable to pass in revision before the European courts, there can be no doubt natives may be safely entrusted with judicial powers to a limited extent. I am strongly disposed to think that the impressions against them have generally been produced by that abuse of power which invariably resulted from the union of revenue and judicial powers; departments which it has been the main object of all our arrangements, since 1802, to separate and keep distinct, and which under former native governments were always blended.

8. The administration of justice was attached to the revenue officer, to the Zemindar, Renter, Tehsildar, Tannahdar, or other inferior officers, and was always perverted to extorsive purposes. The two functions, if I may be allowed to use the expression, played most conveniently into each other's hands, and the mischief produced by the union has probably led to the belief that natives cannot safely be entrusted with the administration of justice. The idea appears to me incorrect; they make good servants in all other departments, *if well superintended,* and I can see nothing in the nature of judicial duties that bears the same degree of superintendence over their conduct in that department which secures their good offices in every other. It appears to me that the jurisdiction of natives might safely be extended as far as suits of 500 rupees.

9. The appointment of an official establishment of native judges as district Moonsiffs operated, as a matter of course, to the reduction of the duties, and to the relief of the European courts; it absorbed, in the first instance, a great portion of the litigation of the country, but it still remains to be ascertained whether, after the native courts are saturated with the business of original jurisdiction, more will not overflow in the shape of appeal, and whether the relief afforded in the original jurisdiction will not be more than met by increase in the appellate. On this point it seems to be the opinion of the Sudder Adawlut that a sufficient time has not elapsed to shew the true effect, and although I am disposed to agree with them, still I conceive the prospect is as yet extremely favourable, and that a very great improvement has been effected in the civil administration of justice by the great extension of the native adjudication.

10. Of the suits decided by native judicatories in 1817, it appears that only 10,744 have been settled by village Moonsiffs.* Considering that every village has, or at least ought to have its Moonsiffs, and that the villages under this Presidency cannot be rated at less than 50,000, the above must be considered but an imperfect performance of the duty that might have been expected. For the causes of this imperfection we are left almost entirely to conjecture, we have not sufficient information of the nature and composition, or extent of this branch of judicial administration, to form an opinion.

11. It will be recollected that at an early period of our proceedings, with a view to establish the new system, the Commissioners were required to furnish information on the points in the margin.† It was, indeed, considered proper to defer the inquiry into these particulars until after the establishment of the system. The Honourable Court, in their letter of 20th December 1815, although

* Village Moonsiffs in 1818 .... Suits 8,066
Ditto in 1819 4,392

† See Resolution of Government, 1st March.

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although they approve of the postponement of the inquiry, seem still to consider the ascertainment of them ultimately necessary; but as yet no investigation appears to have been furnished of the actual state, number, and description of the parties, on which, in reality, depends the correct execution of the duties expected. It will be recollected that, in the several minutes which I had the honour to record on the preparatory measures for the introduction of the system, the expediency and advantage of local inquiry and arrangement was expressly pointed out. It does not appear, however, that any such has been made, nor can I trace that even a register of village Moonsiffs in any one district has ever been furnished to any controlling department, nor even to the zillah Judge, to whom the register of their decisions ought to be sent.

12. The first Commissioner, it is true, proceeded to several of the southern districts, and his reports will appear under dates noted in the margin;* but the substance of those reports will be found to refer only to ancient customs supposed to have prevailed before the commencement of British administration. Of the alterations that may have taken place since the introduction of the British Government, and in what degree those alterations were calculated to advance or oppose the new system, nothing has been said. The report proceeds, indeed, on the avowed principle that the system then about to be introduced being founded on ancient native custom, it was not necessary to consider the actual state of things under the British Government as they then stood; no information whatever has been furnished on that point, although it must be evident that from such exposition alone a correct idea could be formed of the measures necessary to give full effect to intended arrangements. It is only in one or two districts in which discussion has casually arisen that we are possessed of any information as to the actual state of the village administrators; what their numbers are, what their description, what their qualifications, or how they are paid, has never yet been explained. From these remarks, however, I must except that part of the report on the province of Malabar which bears on the introduction of the new system; it contains the explanation of past practice, present state, and future measures to be pursued for the full completion of the arrangement contemplated; it fully explains the state of that province; it shews that its institutions no way resembled those of the village polity observed on this side of India, and that in order to make the new system applicable many arrangements were required, and these arrangements were made the duty of a Commissioner expressly appointed for that purpose.

13. It is to be lamented that a similar detail has not been furnished in respect to every other district, for certainly all were not in a state ready for the new system. It is very possible, therefore, that the execution of the (*Sic orig.*) duty may arise from its imperfect and incomplete introduction. In the district of Bellary, it appears that up to the end of 1817 not a single decree had been given by a village Moonsiff, and it is sufficiently notorious that up to that period heads of villages had positively declined to act: a circumstance the more extraordinary, as Bellary is one of the districts from the practice of which most of the arguments in favour of the new system have been drawn. The Collector, in the letter of 1st June 1818, quoted by the Commission, directly admits that he could not to that period prevail on them to act. One of his reasons, the Commission assures us, is the correct one, namely, that the district Moonsiffs had an interest in drawing away suits from those of the village; but that does not appear to me conclusive as a cause, while the Collector admits that the village Moonsiffs actually refused to take their share. The principal reason, and I think the first one, I give in his own words: "On the other hand, the village Moonsiffs very naturally contrast their situation with that of the district Moonsiffs, who have a large salary and fees to remunerate them for their labour, while the former derive no emolument whatever for the performance of the duty." Similar causes may operate in other districts. Deficiencies in point of information so glaring require immediately to be supplied, if it be intended that this branch of the system should ever attain efficiency. It would be proper, therefore, that the Collectors be required to furnish information on the following points:

First.

* 3d February, 16th May, and 4th June 1817.

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First. The number of village Moonsiffs in their districts.

Second. The description of them, whether zemindars, renters, hereditary head inhabitants, meerassidars, enamdars, shatriumdars, monigars, or servants of the above, all of whom are eligible under section 3, Regulation IV of 1816.

Third. Whether they derive any allowance or emolument from the offices; if so, from whence the nature of it, and amount.

Fourth. Whether they act voluntarily or whether any difficulty occurs in obtaining the execution of the office; whether the system is complete, and if not, what are the measures necessary to make it so.

14. Possessed of no precise intimation as to the description of village Moonsiffs, without even a register of their names, and debarred from any supervision of their general conduct (their proceedings not being appealable), the Sudder Courts are, like ourselves, left to conjecture alone; they can draw their conclusion only from the nature of the case, and from the tendency inherent in such a system.

15. From the report of the Sudder Adawlut it would appear that a great proportion of the suits decided by the district Moonsiffs are within the limits cognizable by those of villages, and inference has justly been drawn of a supposed preference, in the eyes of the people, in favour of district Moonsiffs over those of village. I do not consider there can be any doubt of the fact, which, to my conception, is easily accounted for. District Moonsiffs are entirely unconnected with revenue management; they are untainted with those local interests, prejudices, and partialities which must generally attach to the duties of the heads of villages, the advantages of whose local knowledge as head inhabitant is more than counterbalanced by the party spirit, prejudices, and partiality which must accompany it: for a case of dispute can hardly arise in a village which the head inhabitant has not prejudiced. It is probable, therefore, that application to him in his judicial capacity will generally come from those who are some way connected with him, from Ryots in whose support he himself has an interest, while every other person will look for an impartial decision from the district Moonsiffs; the merchant creditor will hardly look to the village Collector for the recovery of a debt from his own Ryot.

16. The instances are innumerable wherein the renter, a revenue collector of the villages, cannot be an impartial judge; where, indeed, he must have a clear and decided interest. Can the renter be an impartial judge between the Ryot who owes him revenue, and the weaver from whom he can make no collection? The sum eventually awarded to his tenant is liable, in fact, to go to himself as proprietor, manager of the village, or collector of the revenue. This course of reasoning does not rest upon vague supposition alone; it is supported by the evidence of fact, at a period when those very powers were entrusted to Zemindars, renters, and others. If the records from 1780 to 1802 be examined, it will be found that they teem with representations of the abuses committed by that description of people; and as far as ten rupee suits, all the powers are now completely restored and legalized, and without the check of appeal. Section 7, Regulation IV of 1816, does indeed prohibit village Moonsiffs from trying suits in which they or their servants are personally interested; but this, I apprehend, refers to cases only when they are actual parties, and does not embrace the consequential interest the renter must have in realizing the debts of his dependents, and sometimes defaulting Ryots. If the first, it is insufficient to secure strict impartiality; if the second, it nullifies the judicial powers of the Moonsiffs in opposition to other inhabitants, and proving the inexpediency, renders the office of comparatively little use. It is scarcely necessary to observe, that the radical principles which constitute the efficiency of the district Moonsiff's jurisdiction (disconnexion between judicial and revenue functions) are here completely confounded; and the effects are worse, because they are confounded in the lower orders, amongst that description who must often be not merely officially but personally interested in making the one subservient to the other.

17. The late Commission, in their report of 15th October, paragraph 9, have attempted to account for the small number of decisions by village Moonsiffs

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Moonsiffs in another way. They observe: "The business done by the village "Moonsiffs, or Patells, though it is much less than it would have been had "they acted according to their ancient usage, unfettered by any regulation, "is yet, when all circumstances are considered, fully as much as could have "been expected. Several causes have combined to retard the progress of the "system under the village Moonsiffs; the forms and length of the Regulation, "the pains and penalties and prosecutions which it denounces, their fears of "the European courts, and their consequent reluctance to engage in any "thing which may be likely in the most remote degree to bring them before "the tribunals. The Regulation, it is true, is not a long one, and does not "authorize any penalties to which the Patells were not in similar cases always "subject under the native Governments; but to men like them, unaccustomed "to written rules, every Regulation appears long and intricate, and the same "penalties which they know they were liable to at all times for misconduct, seem "to them much more in the shape of a written law." I am not disposed to dispute the truth of the position, that the precise rules and forms to be followed, and responsibility attached, may have lessened the inducement towards the execution of the duty required from them; but, from such a circumstance what inference but this can be drawn? that they acted during native government; because, under the laxity which prevailed, and the absence of all control and restraint under such government, they were allowed to make the most of their powers, and to convert them to purposes of private influence, interest, and ambition; that restricted by rule from deriving private gain, they decline the performance of a duty which is not accompanied by the fair remuneration which ought to be substituted for undue exaction.

18. When, in obedience to the orders of the Honourable Court, this Government made the preparatory arrangements for investing heads of villages with the judicial powers said to have been formerly held by them under native governments, considerations connected with the above were not overlooked; an inquiry into their actual state, privileges, and emoluments, was intended and directed; Government did not lose sight of the plain and obvious fact, that men will not perform a duty for nothing, and if not fairly paid they will in some way or other derive illicit advantage. The power and influence of which head men of various descriptions were found in possession at the time the new acquired countries fell under our government, will account for the free and voluntary exercise of those functions without apparent, or at least avowed advantage, and at the same time shew the result and effect produced by the admission of power on such principles. It is well known, that the influence in the hands of head men, derived from the free and unshackled exercise of judicial, revenue, and magisterial authority, was exactly that which it has been found most difficult to get the better of, for the relief of the lower order of the community from oppressive exactions. Such are exactly the powers now restored; and if, in order to induce free and voluntary action, strict rules and forms were dispensed with, the same effects would be produced.

19. To the ancient custom of a country attention is always due. Arguments clothed in the garb of respect for ancient usage come in a plausible form; but we must not allow ourselves to be entirely carried away by their pleasing appearance: we should first consider whether those customs were in themselves good or otherwise. We should consider what were their natural effects and actual results. To follow customs, usages and practices radically bad, because they were observed by the preceding government, is only to perpetuate evil and obstruct improvement.

20. In respect to the present constitution of the village courts it may be observed, that compulsive jurisdiction requires in the holder extensive powers: extensive powers are liable to extensive abuse, and require proportionate check and control. It seems to be the opinion of the Sudder Adawlut that the check in the present case is insufficient. I concur with them in opinion. It seems, indeed, scarcely possible that such powers vested in such a vast body of native judges can be controlled: all their decisions are final, their proceedings cannot come in review before the courts. It is only from corruption, or gross excess and abuse of power, that their acts can be questioned, and the complaint must be made under the risk of pain and penalties on failure of evidence. He who

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who commits the act of violence or corruption will be prepared to support it by the use of the same power and influence, and will often deter from complaint.* An attentive consideration, indeed, of this part of the subject, seems to point out the necessity of some modification. The object of vesting authority of decision in the head of the village is to bring justice to the doors of the people; and if both parties in a suit are desirous of receiving it there, no doubt can be entertained that such an arrangement is highly desirable: but it appears to me that the object, as far as it can be attained without risk of abuse, may be gained by vesting the head inhabitant with the powers of an arbitrator only, rendering the award final, and receivable in evidence as a decision in all the upper courts. This measure would admit to the people the benefit of speedy and local decision if both parties interested should consent to it. The withdrawal of compulsive jurisdiction would guard the party unconnected with the village Moonsiffs against abuse, and render unnecessary much of the form and nearly all the compulsive power, the possible abuse of which renders control, rules, and regulations indispensable. The limitation can hardly affect the extent of native adjudication; but if it should, the loss may be supplied by an increased number of district Moonsiffs, which the evidence of fact shews to be more acceptable to the people, and the deductions of reason prove to be less liable to abuse.

21. As to punchayet, it may be observed, that that mode of adjudication cannot be said to have been excluded from the system of 1802, for a punchayet is nothing but an arbitration, for which Regulation XXI. of 1802 provides; and if legal parties choose to submit the dispute to the arbitration of a few of their neighbours, there was nothing in the laws of 1802 to prevent them. It has now been legalized under prescribed law, and under fixed and definite rules; it has been declared a part of the common law of the country; means of reverting to it have been provided, and at a lower charge than other process: and yet it appears that out of an aggregate of 71,051 causes decided, only 362 have been submitted to punchayets, and 314 decided by that process,† a result which incontestably proves that the natives do not attach to that mode of adjudication the respect and importance which many supposed. The result, indeed, corresponds exactly with what was to be expected.

22. The trial by punchayet has been declared to be the common law of India, and it has been argued, that it could not be said natives had the benefit of their own laws under a system which did not include as a part the adjudication by punchayets. It is perfectly clear that the predilection for punchayet arose from the circumstance of there being no other mode of adjudication. It was like many other native practices, a mere expedient in the absence of a settled system of judicature, resorted to in time of anarchy, confusion, and comparative barbarism, when no form of judicial process existed. The creditor relied on his own exertions for the recovery of debts due to him; he placed Peons over his debtor, or sat himself down at the door until the debt was settled. To relieve himself from the importunities of the creditor, the debtor, if he disputed the demand, applied for a punchayet to adjust it. The practice was not the result of a plaintiff seeking recovery of his just debts, but of the debtor seeking temporary relief from the pressure of personal demand; and it is not surprising that the practice should have ceased with the establishment of a regular system of adjudication, the want of which alone produced it. Another cause has, it is known, operated against this mode of decision, the difficulty, or rather impossibility of appeal against an erroneous or even partial decision. Natives evidently attach a degree of importance to the benefit of appeal, that will always militate against a course under which it is precluded.

13. A

* It is to be recollected, that in the village Moonsiffs power of punishment is vested on the criminal suit.

† Punchayets, 1818:	District	75	
	Village	197	
			272
Ditto...... 1819:	District	33	
	Village	99	
			132

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23. A punchayet is only an arbitration, and what is an arbitration but an amicable adjustment of dispute by the intervention of friends mutually chosen? It is no doubt right and proper to encourage this mode of settlement, and it is creditable for men when called upon to assist in making such a settlement; but it is after all a private adjustment. It never has, nor ever can be made, with any advantage, a part of the regular jurisprudence, and conducted as such under defined and prescribed rules. If it be made a branch of the public adjudication, if rules for its formation and proceedings be laid down, it will be forthwith abandoned. The only recognition it can require by law, the only one it can bear is, that the award of a punchayet produced in court, accompanied by the bonds of the parties to abide by it, shall have the force of a regular decree, unless proved to have been obtained by bribery and corruption. It seems to me that it is in this shape, and no other, that it ought to appear in the judicial code. On the whole, then, of this part of the subject, it appears that the only improvement introduced by the Regulations of 1816 has been the substitution of district Moonsiffs for native Commissioners. I admit the improvement to be great, but it is one which, more than any thing that can be urged, proves the benefit and correctness of the principle which requires the administration of justice to be a distinct and separate duty from the collection of revenue.

24. In respect to the second part of the subject, the state of the police, prevention of crimes, and detection and punishment of offenders, it seems fairly discussed in paragraphs 3 to 10. It is enough for me to observe, that the result stated is clearly borne out by the documents,* *viz.* that crimes are increased and punishment diminished; a result which certainly does not prove that persons or property are more efficiently protected than they were before the new Regulations.† Paragraphs 3 to 16, inclusive, enumerate the various cases in which much delay and detention has taken place in bringing the accused before the court, the causes of which are principally inherent in the system, though partly owing to the irregularity of the police officers; they not unfrequently occur from mistakes in the first process, which cannot be rectified owing to the prohibition of the criminal Judge against giving orders to the police, for which Regulation III. of 1817, subsequently enacted, affords but an imperfect remedy. Paragraphs 18 to 20 contain recapitulations of delay and inconvenience to prosecutors and witnesses. The causes are, that the police officers are left to judge of the nature and degree of the offence, and send to the Magistrate cases which should go to the criminal Judge, thereby rendering necessary a journey first after the travelling Collector, Magistrate, and then to the criminal Judge of the zillah.

25. We next arrive at the last question on this branch of the subject: "Whether the existing Regulations provide effectually for the detection and "punishment of abuse of power committed by the natives, to whom the charge "of the village and district police is now entrusted? and whether such abuses "are more or less frequently committed than formerly?" This question (with the two that went before it) involves the complete discussion of the inherent tendency and effects of the whole arrangement, now in a certain degree exemplified by the test of three years' experience.

26. Of the transfers of the whole magisterial power to Collectors I have already recorded my opinion at length.‡ I have pointed out what I then conceived to be the advantage of uniting the revenue and police functions, and the objections to the further transfer of magisterial authority; I did so, under the belief that the intentions of the Honourable Court went no further than the suggestions of the Police Committee of 1806. As the measure of complete transfer had been ordered by the Honourable the Court of Directors, nothing could with propriety be said for the purpose or with the view of delaying its execution: their orders have in consequence been obeyed; but as many considerations of deep importance to the country are involved in that arrangement

* Sudder Court Proceedings of 21st September 1818.

† This was written on reference to Proceedings of September 1818: the statements of 1820 defy all conclusion.

‡ See Minutes of 1st January, recorded in March 1816.

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arrangement which may not possibly have occurred to them, it will not, I trust, be deemed disrespectful again to urge them for their future deliberation. As I can have no inducement but a sense of public duty, and a warm interest in the future prosperity as well as the peace and tranquillity of the country, I must hope the motive will be admitted as the excuse of the act, if the repetition of my sentiments be considered as an improper intrusion.

27. The grounds of the late alterations will be found stated at length in paragraghs 73 to 98 of the Honourable Court's letter of 29th April 1814; they may be comprized in the following.

1st. That the establishment of the Talliary office is essential to the formation of an efficient internal police. 2d. That the Talliary establishment can be superintended only with effect by hereditary heads of villages. 3d. That the village police, so constituted, can be regulated and controlled only by the Collector, as it was by the Aumildars under the Native Government. 4th. That the subordinate officers of revenue and police being the same, the vesting of superintendence in different authorities must produce a clashing and collision which must paralize both; and for the confirmation of these opinions reference is made to the report of the Police Committee of 1806, and to the minute of Lord William Bentinck founded thereon.

28. The Police Committee of 1806 recommended the transfer of police to the Collector, and their arguments have been used by the Honourable Court in support of the total transfer of the magisterial powers: but it must be recollected that that Committee contemplated a general permanent settlement of the land revenue as the future system to be pursued; they looked to the Collector as the receiver of revenue, to be paid into the treasury by a body of the landholders, not exacted from the Ryots by a number of revenue servants; they considered the Collector as an officer who would be unconnected with the direct superintendence of cultivation, who could not therefore come into official contact with Ryots, and could not have any inducement to make an improper use of his authority in his official dealings with them.

29. The whole system is now changed, and the ryotwar, instead of the zemindarry or the village settlement, is directed to be generally adopted, a system in which the actual occupation of every field becomes an object of the Collector's attention and that of his servants. But even the Committee abovementioned did not intend to vest the punishment with the Collector, but the power of apprehension and commitment only (and they recommended vesting commercial Residents with the same); but in giving them that power they presumed on the presence and intervention of the local Magistrates to prevent its abuse. The words of the Committee are: "It will not be necessary "that either they (the commercial Residents) or the Collectors should possess "the power of inflicting corporal punishment, of levying fines, or of commit-"ting to temporary imprisonment; they should only be authorized to commit "offenders for trial before the appointed court, and as their conduct in every "instance will be by this means brought under the cognizance of a separate "tribunal, there can be little danger of a perversion of their authority to "improper purposes." Through the whole report of the Committee it will be seen they never contemplated more than the transfer of the police to the Collectors, and the power of apprehending and committing;* they never lost sight of the necessity of immediate and local control by the judicial officer of the district.

30. By the arrangement proposed by the Police Committee, the powers of the Magistrate of the district were not affected;† he still remained the head of the department; appeal was open against every act; he could receive any charge; and he was at liberty to issue such orders as he pleased to the police, in all its branches, for the conduct of his magisterial duties. It was, indeed, this power, and the liability of the acts of the Collector and his servants coming under revision, that did away that opinion, the objection of vesting him with the police authority.

31. The

* See Section 15, proposed by Police Committee of 1806.

† See Section 21 of Regulation proposed by Police Committee of 1806.

31. The Collector, under the system then contemplated, would have been the police Magistrate. Head inhabitants of villages in their police capacity, and police officers, would have been entirely under his authority; he would have held the power of removal and appointment in the first instance; it would have been his duty to have regulated their general conduct, and taken cognizance of neglect of duty; to have made all disposition calculated for the security of the public; to have brought before the superior tribunal of the Magistrate and the Court of Circuit all offenders taken up by application to or through the instrumentality of the police establishment; but without barring the people from the right of making direct application, or complaint to or from lodging information with the regular Magistrate, or the Magistrate from taking cognizance of the complaint, and issuing such orders as the case might seem to require.

32. This, it may appear to some, would have involved the danger of a clashing and collision of authority; but if the district duties of the magistracy and police, the supremacy of the one and the subordinacy of the other, be well considered and understood, no collision could have occurred. The Magistrate could have issued no order on any detailed arrangement of the police department; he would have communicated only by written precept, warrant, or summons; he could have required only the arrest of persons, the summoning of witnesses in completion of proceedings before him as Magistrate, or he might have pointed out errors or defects in proceedings in *a particular case actually before him*, and required their rectification.

33. To the extent of police duty I have already stated an opinion, that the agency of the Collector might be useful; the ubiquitary nature of his appointment appeared to afford him the means of obtaining information connected with the department of police, which might not reach the fixed Magistrates. In giving him authority to interpose his powers as far as the regulating of the duties of police officers, under a due control, some good might have arisen, without the possibility of any very great or long continued abuse.

34. A power that goes no further than the receiving of complaints, summoning the party complained against, examining the witnesses, committing the accused to take his trial before a superior court, and sending all parties to appear there at a given time, is one that might be entrusted to almost every public servant. It corresponds with the power of a single justice of the peace, and if exercised at a factory or a station distant from the courts, might save the parties from a double journey; the officer committing sending his papers and recognizances to the Magistrate, who would enter the case in the calendar, and summon the parties when the sessions were held.

35. It has been urged, that on general principles police powers cannot be entrusted to revenue officers without danger of misapplication; that the powers vested in them for the maintenance of the peace and for the public good will be converted into an engine for the support of their revenue duties, for the enforcement of compliance with arbitrary orders or unjust demands. This arrangement was, on a former occasion, considered by the supreme authority in India as decisive against the intended transfer of the police, only it was considered as involving a deviation from the fundamental principles of our civil government.

36. It will hardly be disputed that nearly all the oppressions practised in the country have their source with native officers of Government. Without being entrusted with some degree of authority they cannot perform the duties required of them, and that authority and influence resulting from it they seldom fail to abuse: the extent of the abuse will be in proportion to the vigilance and ability of the European head; if his administration be lax, if he reposes improper confidence, the mischief will extend to the perversion of justice, the court itself will be converted into an instrument of oppression.

37. That the arguments are strong cannot be denied. The transfer must be admitted to be a partial deviation from the strict principles of the system of 1802; but there appeared no other way of avoiding the objections which have been urged to arise from the separation of revenue and police, in districts where the subordinate officers are the same persons, and which objection is the

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the main ground of the reasoning and orders of the Honourable Court: all then that Government could do in such case would be to lessen the danger by local check in an independent officer on the spot, in the capacity of controlling Magistrate, ready to receive complaints against all irregularities.

38. The disjunction of magistracy and revenue was not the evil complained of, but only the separation of revenue and police, and the power might have been transferred so far and no further than the positive evil to be remedied required. It was on these grounds that I formerly contemplated the retention of the powers of punishment for crimes to the regular Magistrate alone. They are not necessary for the mere superintendence of the police, and on those grounds I wished to maintain at all times the channel of complaint open to an independent authority, against all improper use of power by officers of police, not by the slow and after-process of a consequential suit, but by the more prompt exercise of direct magisterial authority and interposition.

39. The punishment of crimes, though to a limited extent, attached to the police, is a judicial, but not a police duty, and the junction of the executive and judicial powers on the criminal side is far more dangerous than on the civil.* The absence of the first is prompt, summary, direct in its operation; it touches the person by pains and penalties, imprisonment, stocks, and stripes, which are disgraceful punishments, and more dreaded than the effects of civil process. The latter, indeed, touches the property, but there an appeal is open: no personal disgrace is suffered, the aggrieved has his remedy in the higher court; but the nice prejudice of a respectable Hindoo shrinks from disgrace, and will often submit to oppression rather than incur the risk of even abusive language conveying its imputation.

40. I considered the functions of the police executive like those of the revenue, and that the Collectors and servants in the execution of these functions should be responsible for the proper use of them. Aware of the inherent tendency to abuse in all native police officers, I wished to check it by a salutary division of authority, leaving magisterial authority where it was, and transferring the control over the police only to the Collectors; and the more attentively I considered the subject, the more I was convinced that the division contemplated was the best that could be devised. That it would effectually and entirely have prevented the evil inherent in the union of revenue and police powers I cannot take upon myself to say; but presuming the superintendence of police and revenue indispensably required by the Honourable the Court of Directors to go together, it seemed to afford the best guard that could be adopted.

41. Magistracy, police, and revenue, have now been in the hands of the Collector for three years, and I must freely confess that the success of the measure, even as police only is concerned, has not been equal to my expectations. It was observed that the separation of revenue and police paralized both: the observation, however plausible, has not been justified by the results which it has produced; the truth is, that the police was not in a paralized state in the year 1814. It was in a better state then than it ever was before, and in a better state than it has been since. I am afraid, indeed, it will be found, as regards police at least, the union and not the separation has produced the paralysis. In respect to the revenue department, if the dissolution of the arbitrary power of the Collector, and of the right of exacting compulsive labour be termed paralization, the argument may be admitted; for the separation of revenue and magisterial powers certainly has a tendency to render labour free, and to oblige the revenue authorities to moderate excessive demand, and to substitute inducements for compulsion; a tendency, however, much repressed by the rigour beyond the law which Collectors have continued to exercise.

42. There is scarcely a report from the Judicial, or even from the Revenue department, that does not shew that police has fallen into a state of great inefficiency

* And yet, after all, it was the opinion of Sir W. Jones, on a case brought before him for oppression by the police, that the form of punishing exercised by the Superintendent of the Police was a deformity in the Government, and that the Superintendent of Police ought only to have the power of apprehending the offenders, not of punishing them.—*Plans for British India*, p. 445.

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inefficiency since its transfer to the Collectors. It is admitted by most Collectors that their hands are fully engaged in their revenue duties; that the magistracy and police produce a constant interruption which prevents their attending to either, and the latter duties are generally assigned over to their assistants. The same remarks hold good in respect to Tehsildars and principal revenue servants: perpetrators of robbery and of murder escape detection, because the revenue officers are busy in making their settlements; they act with attention only in cases where they ought not to act at all, where their revenue interests or their own are concerned.

43. The evidence of facts, therefore, compels me to retract the opinion once entertained, and to declare my conviction that it would have been infinitely better to have left the police where it was. The duties are of themselves unconnected: abstractedly, what has the collection of revenue to do with the seizure of thieves or other offenders? It happens that the Talliars and head inhabitants are the principal instruments, and being concerned with the revenue, it has thence been inferred that they can act only under the Collector; but let us consider what are the police duties which they are expected to perform —watching the village. Watching necessarily carries with it apprehension of those that come to steal, and of those who commit offences; the only alteration required by the establishment of a separate magistracy was, that the Talliars should send the offenders to the nearest police Darogah instead of the nearest Tehsildar. The dissolution of the Talliary office, or even of the police powers of the head inhabitants, is not required under the judicial system: on the contrary, those officers will be found to form an essential part of the police system contemplated by both Police Committees of 1806 and 1814.

44. But let us consider how widely different is the case under the present arrangement from that suggested by the Police Committee. Power on the one side is much extended, and control is almost entirely done away. The Collector is now not only Magistrate, but he is the sole Magistrate of the district: he has the power of punishment in his hands; so have his subordinate officers: he alone can receive a criminal complaint; all appeal against the acts of the Collector and all the police officers is thereby effectually barred. The Criminal Judge is placed between the Collector, Magistrate, and the circuit court, but he holds no intermediate jurisdiction or gradationary control; he is put in like a wedge, to stop rather than to facilitate the progress of appeal; he cannot receive any criminal complaint; he cannot issue an order, or even communicate with a police officer, however irregular and oppressive (and we have before us many instances of their irregularities), are entirely beyond his cognizance.

45. Under Section 16, Regulation IV of 1811, the Court of Circuit collectively were authorized to receive petitions from persons considering themselves aggrieved by any act of the Magistrate, and to issue such order as they might deem fit; and by the section which followed similar powers were vested in the Sudder Foujdarry Adawlut. But this regulation was rescinded, and the section in question re-enacted only as by applying to the criminal Judge; every restraint, therefore, upon the Collector and Magistrate, and police officers under him, is thereby removed, and exactly under the circumstances which required increased control, exactly at the time when judicial powers are transferred to the officers of the executive department, with whom constant inducement arises to pervert them to revenue purposes.

46. The Collectors are now to superintend the cultivation; they are interested in the occupation and cultivation of every field; they are to create as well as to collect the revenues through their immediate officers. Those officers are to be instruments and agents of the police and magistracy; they will be the judges, collectors, magistrates, and superintendents of police of villages. Zemindarries and their servants, renters and renters' servants will be the same, and so will Shotriumdars, Jaghiredars, Enamdars: for all, as actual managers of the village under the rules laid down by the Commission, supersede the hereditary office of head inhabitants of villages as much as renters and their servants. It must follow, then, that Collectors, in their united capacity of collectors, magistrate, and superintendent of police, and all their subordinate officers down to the manager of a village, come into direct collision with the

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whole cultivating class; with refractory renters being inhabitants, with all Ryots in arrears, with Ryots refusing to cultivate on terms prescribed by the Revenue officers, with cultivators refusing to pay undue exactions, with all classes refusing to pay abject submission to Amildars or Tehsildars, and Zemindars, renters, and all their servants, in all revenue cases, in all police cases. A man, therefore, against whom a native Revenue officer entertains animosity, may be charged with contempt, abusive language, calumny, and affray; he may be tried by Revenue authority for acts that arose out of an undue demand, which the Revenue department had no right to make, out of disobedience to an order it had no right to give, and will probably be punished in a case in which the Judge denounced the punishment as the real aggressor.

47. The interference of the Criminal Judge is not allowed; the interposition of the Court of Circuit, in its collective capacity, is withdrawn; and the occasional visits of the Judge on circuit cannot prove efficient for the prevention of these manifold grievances, which must result from the combination which must in practice render it absolute and independent, precluding the possibility of legal control.

48. That this is not mere speculation, we have already proof before us afforded by scarcely two years' practice. We have already from the Sudder Court an example of one man having been confined three weeks in the stocks. A great variety of cases of abuse will be found in the reports of the Judges of circuit; and one case has come direct to Government in the shape of a petition, which strongly marks the improper use that may be made of revenue and judicial powers being in the same hands, unrestrained as they now are by immediate control. I allude to the persons confined by the Collector of Vizagapatam, as reported on by the Second Judge on circuit in the northern division. It appears on oath that those persons were kept four months in the choultry before they were sent to the Criminal Judge. The only reason given was, that the Collector was absent on other business. It appears that batta was withheld from them; that while so confined, the Collector's Sheristadar, acting also as head servant of the Magistrate, repeatedly sent messages to them to criminate another person against whom he had an enmity, promising release and impunity if they did so; and, lastly, that when the prisoners sent two persons to purchase stamp paper to write to the Court of Circuit, the said Sheristadar prevented the servant in charge from selling it, because *they meant to write a petition against the Magistrate* and himself. This is an instance of the perversion to which magisterial powers are liable when united to those of revenue, and unrestrained by the operative control of a superior and separate department.

49. If such practices could be carried on at the very cutcherry of the Collector, what may not be done in the country? Circuit Judges do, indeed, visit the gaols and examine the cases of prisoners there; but what knowledge can they have of those who may be confined, in the stocks perhaps, throughout the innumerable choultries of village Patells and Tehsildars? The Regulations do, indeed, provide for a certain limitation of punishment; but of how little use can such limitation be, when the parties who suffer cannot bring their case to the notice of an authority competent to afford relief.

50. It may be said, indeed, that it is the duty of the Magistrate himself to control the acts of his servants; but we have already too many instances on our records to shew that the master is not always to be depended on when his own servant is concerned, and enough to prove the expediency of distinct control in cases wherein the persons and property of the people are at stake. It is true, Section 43, Regulation IX of 1816, subjects all officers of police to prosecution, civilly and criminally, for extortion, oppression, or other abuses of authority; but this consequential prosecution will not answer the end in view. It will not afford to the suffering party relief from the immediate exercise of undue authority. It will not release a man from the stocks, or set at large the man unjustly confined, nor will it bring his case to the notice of the superior authority in time to be of any use to him; on the contrary, the probability of recourse to the after process of a prosecution, as a measure calculated for future prevention, is lessened by the terms under which it is offered; the danger of further punishment if the party fails to prove the charge, a charge which, in the

the nature of things, must often be made good against all the influence attending official situation, against the person who is not barred by the direct interposition of authority from a repetition of the offence to an unlimited extent.

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51. Had the Criminal Judge of the district been vested with the power of taking cognizance of abuse of authority of servants employed in the police, the evils above stated must have been almost instantly corrected, and their recurrence prevented; without such power not one case in ten will probably come to the knowledge of the European authority. On this point I have already stated my opinion, and the occurrences noticed are exactly such as I contemplated would happen under such circumstances.

52. If Collectors and their servants are to be employed in the lower rank of the Judicial department, it is necessary that appeal should lie open to those above them for all irregularities; and if there be any thing in the official character of the Collector and his establishment which renders it inexpedient that their acts in the police and magisterial departments should be subjected to that control, it must follow that they ought not to be employed in a department which indispensably requires it. But I confess I cannot discover wherein rests the objection to allowing a person aggrieved, that is detained in confinement beyond the legal period, or suffering a punishment not allowed by the law, seeking immediate redress by a petition to the Criminal Judge or the Court of Circuit, and that officer inquiring into and affording relief if the case requires it.

53. Many arguments have been adduced, and much reasoning expended, against the whole of this part of the new system. Into these I mean not here to enter: they will, no doubt, be duly weighed and considered by a higher authority. I confine myself to the exposition of what appears to me to be errors in the arrangements made here for the present enforcement of that system, and the remedy required. They may be summed as follows.

54. The first objection is, that the Criminal Judge has no power to communicate by precept with the police officers; hence he can neither supply deficiency of evidence, rectify obvious mistakes, or remove improper delays, except by a long epistolary correspondence with the Collector, who has already writing enough on his hands, a correspondence liable to lead only to argumentative discussion. The second is, that the Criminal Judge has no power to receive original complaints, he cannot therefore interpose his authority against any abuse of power by native officers of revenue and police, while by the absence of such powers the inhabitants of the adjacent country lose the benefit of direct application to a fixed authority, which might be operative for the redress of even petty grievances to a very great extent, and might relieve the Collector and Magistrate from much labour, and the people occasionally from the inconvenience of long journies.

55. Those defects point out their own remedies, which are, to vest the Criminal Judge with the same magisterial powers held by the Collector, in addition to the higher power attached to his office; and this may be done without diminishing or taking away from those now vested in the Collector as police magistrate, and without interfering in the slightest degree with the detailed arrangements of the Police, which may be left entirely in the hands of the Collector. The Collector, as the police magistrate, may exercise all the powers now committed to him on application; while the Criminal Judge, as the regular magistrate of the district, is doing the same. There are always more justices of the peace than one in the country: the restriction of such powers to one only is an objection, not an advantage; and the objection is stronger when that person is also the executive officer of the police and revenue.

56. Crimes and offences brought to light by the agency and instrumentality, or by application to the police magistracy (that is, the Collectors and Assistants, and establishment), will be punished, on proof, to the extent allowed by the Regulations, or brought up for a higher degree of punishment, if necessary, before the superior tribunals; while every inhabitant would be at liberty to bring the grievances complained of before the superior magistrate, the Criminal Judge of the district, if he preferred that course, with all its supposed incon-

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inconvenience. The process of the Criminal Judge, as I have always explained, would be confined to the issue of his summons or warrants to bring up the parties and witnesses in the particular cases before him.

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57. With the modification here proposed, it appears to me the present system might be rendered less objectionable, and the agency of the Revenue department might be employed in the Magistracy with less danger of long continued abuse; for it is not alone the extension of magisterial authority to the Collectors, but the interdiction of its exercise by the Criminal Judge, which forms the radical objection to present Regulations. Such an arrangement as I have here suggested, besides relieving the Collectors in some degree from the over-pressure of business under which they now labour, would leave to the Collector and regular Magistrate respectively those duties which each is perhaps best qualified to perform with effect. To the first, and the officers under him, all the police detail for which the ubiquitary nature of his appointment renders him particularly fit, with the addition of lower orders of magisterial powers, adjudging of punishment to a lamented extent, as ordered by the Honourable Court.

(*Sic orig.*)

58. It would relieve the regular Magistrate from those details of police which the fixed nature of his other duties prevent his performing with efficiency, without divesting him of that authority which may be eminently useful in a more extended administration of magistracy, and is the only satisfactory and indispensable check against abuse of power by inferior agents: a check, without which there seems reason to fear the system will soon degenerate into a course of tyranny and severe oppression.

59. On the whole, there can be no doubt that the results of late arrangements, as regards the administration of civil justice, are extremely favourable. Native agency is extensively employed in it, apparently to general satisfaction, and the European courts are proportionately relieved. They are relieved in respect to the civil process, and the Judges are relieved also, but in a small degree, by the transfer of the lower order of the magisterial duties. In so far as reduction of labour was the object of late alteration, so as to admit of Judges conducting with efficiency the duties which remained, the extensive agency of district Moonsiffs would of itself have answered the ends in view. The truth is, that unless appeals from the native judicatories much increase beyond the result of the last three years' experience, the European officer of the Judicial department will be relieved to a greater extent than it now appears was absolutely required. Judges and Registers in several districts have scarcely any thing to do; but while we have relieved one department beyond actual necessity, we have certainly overloaded another beyond its power to support it. Reference to the report of the Board of Revenue will shew how impossible it is for a Collector to get through the duties now attached to his office; and the report of the Judges on circuit, with the proceedings of the Sudder Adawlut thereon, shew that the duties of the magistracy and police never were so imperfectly performed. In most districts, indeed, the execution of the magisterial duty is not even attempted by the Collector, but made over *in toto* to the head Assistant.

60. The Regulation of 1816 admitted of a transfer of particular defined duty, but the present course of proceeding amounts to complete divestiture of his magisterial office to the Assistant at the discretion of the Collector, and it has been found necessary to amend the law so as to legalize that course. The extra duties required from Collectors are manifold, and it must be held in mind that the present divisions of the country have been regulated on the presumption that the Collector was to have no other duty but that of revenue to perform, and even that under a zemindarry, a long lease, or some settled form of administration; but instead of this, in many of the most extensive districts the labour is only beginning; the Ryotwâr settlement is to be introduced and superintended in all its multiplied detail. It is quite impossible, under the present division of the country, that both duties can be conducted with efficiency by one person, and it is to be feared both will suffer. I mean not, however, to infer from all this that the system must necessarily be abandoned, but only to shew that if it is to be continued, arrangements must be made to meet the exigency of the case. The remedy for present inconvenience may be found,

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found. Labour must be more equally divided, or a portion of the duties withdrawn from the Judge; those which he exercised as Magistrate must be returned: or if the Collectors are to execute the treble duties of the magistracy, police and revenue, and Judges are to be entirely relieved from them, the process required is to have more Collectors and fewer Judges, an arrangement involving no additional expense, for the reduction of the one will meet the addition on the other. The Board of Revenue have proposed the establishment of a separate and distinct officer or Magistrate, unconnected either with Judges or Collectors; this would, in fact, only legalize the present course virtually pursued in several districts, where it is admitted that the head Assistants are now doing the whole of the duty; with this advantage, however, that the Magistrates would in many cases be of much longer standing in the service, and of more experience.

61. But the main advantage of such an arrangement would be, that the fundamental principles of all good government would thereby be still preserved. Judicial powers, civil and criminal, were originally vested in Zillah Judges; if it be found that the duties of the one are too heavy to admit of their attention to the other, surely the proper remedy that presents itself is to appoint another judicial officer to take that part of the judicial duty to which the Judges cannot attend. The over-pressure on the civil Judge can afford no substantial argument for transferring his duty and power to the Collector, and thus confounding the judicial and executive functions, and, like native governments, violating the radical principles from which every practical good under British administration has resulted.

62. In a financial point of view little difference can arise. There are three distinct duties to be performed: first, the administration of civil justice; second, the magistracy; and third, the collection of the revenue. If the whole of these, or any two of them, are committed to one public officer, more of those officers must be appointed; if held distinct, the charge of each may be extended. It is perfectly clear the Revenue officers are now unequal to the joint task of revenue and magistracy, and if the union be continued, more Collectors must be appointed, and a few zillah courts may perhaps be dispensed with; but the saving of zillah courts may be applied to greater advantage by the appointment of separate Magistrates than the addition of Collectors, for the more duties liable to perversion and consequent abuse are separated the better. We have already seen the advantages of employing native Judges unconnected with Revenue duties; on the same principle, why should we not employ men of the same description to act in the inferior degrees of magistracy and police in proportionate numbers, that is, in numbers corresponding with that of the district Moonsiffs? Their duties would be those now attempted and supposed to be performed by the Revenue Tehsildar, *i.e.* superintending the police within a certain division, and adjudging to petty punishments. If Tehsildars can be trusted with such powers, surely men appointed for that exclusive duty may be so; the more especially as they would have over them a Magistrate, whose particular duty would be the superintendence of the whole, and who might occasionally visit every station under his authority.

63. Objections have been urged against the union of magistracy with civil justice, because the judge cannot move from his court, and loses thereby the advantages of local investigation. When police and magistracy are concerned no such objection can occur to a district Magistrate; but as neither the establishment of a separate Magistrate nor the reunion of civil and criminal justice in the hands of the Zillah Judge infringes the strict principles of regular government, either is certainly preferable to the union of revenue, police, and magisterial powers in the person of the Collector.

64. What necessary connexion subsists between the collection of revenue and the administration of justice, civil or criminal? Are not their duties perfectly distinct? Why then should both be in the hands of the same person? Is it not clear that every argument of reason shews the necessity of their being separate? The right of collecting revenue carries with it unbounded influence, and great power of abuse and oppression. Are not the misconduct, the violent and arbitrary acts of public servants, the great blemish of our government? Is it not against the acts of public servants, then, that judicial control ought principally to be directed? Is it not prudent, by separating powers

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powers, when duties do not require union, to guard against abuse? Why then destroy the best, the only check, by throwing all the influence of powers and authority of the state into the same hands? Have not Lord Cornwallis and Lord Wellesley, the most enlightened statesmen of their time, maintained the separation of the Executive and Judicial departments to be essential to good government? Have not those principles been acted upon at Madras since 1802? Has not the country flourished under their operation? Has not internal peace and tranquillity been infinitely better secured under them than they ever were before? Is not over-assessment on the land the only drawback on the prosperity of those territories? And whence had that assessment its origin but in the want of defined right, in the unlimited discretion allowed under the union of Revenue and Judicial powers, in the confounding of all the functions of Government in the Collector of Revenue. Against the corrupt principles thus adduced, and all the practical good that has resulted from the separation of executive and judicial powers, what have we to urge but this one solitary argument—the custom of native governments. Let us consider the effect of that custom. Was the situation of the country under native rule such as to recommend its practices, in opposition to every radical principle of good government? Was property better protected? Was justice more correctly administered? Was the peace and tranquillity of the country better maintained? In answer to these questions let reference be made to those countries where native practices still prevail, and let the result determine the reply. So far from the union being an advantage, it was the very reverse; it was that very union which constituted the evil which British rule has amended, and has so been stated by every writer who has deliberately considered the question of Indian Government.* "In the third place, there existed an "original defect in the institution of law courts in Hindoostan, which in "itself must have rendered them unequal to the purposes for which they were "intended, and open to great corruption, namely, that the civil and criminal "laws were intermixed, and that the revenue laws and usages for police "were blended *with both* and with each other. Wherever this has taken place "the rights of property are undefined; crimes may escape punishment, and "breaches of the peace may become frequent. It is owing to the defined "limits within the civil and the criminal law of England that they so nearly "approach to the perfection of the law of nature; and it is owing to the "revenue laws being distinct from both, and the police subordinate to the "whole, that the liberties and safety of the subject are so exactly ascertained "and generally understood." If they assume the native principles of government, can it be supposed that the result will be different?

65. All the arguments adduced in support of union of revenue and judicial powers seem to me to carry with them indisputable admission of contemplated over-assessment. Actual force, or overwhelming influence resulting from such union, is required to exact with success an overstrained revenue. No such powers are requisite to enforce a reasonable demand. It will always be found that where assessments are moderate, least anxiety is shewn by Collectors about judicial powers. Such an union is not thought of at Bengal. It was declared indispensable in ryotwar countries, because the ryotwar assessments were arbitrary and excessive. How clear the reasoning of the Sudder Adawlut on this point in the following words: "It is obviously only a forced and unnatural exaction of labour that would meet with obstructions in the zillah "courts," and it is only such exaction that can require judicial powers to be vested in the Collectors.

66. We all remember the time when it was argued by the Commercial department that Commercial Residents should hold magisterial powers over weavers. The idea was admitted to be absurd, and was justly condemned by the Revenue department; but after all, when we view the matter abstractedly on just principles, we must ask what more connexion is there between magistracy and cultivating land than between magistracy and weaving cloth? Why did Commercial Residents wish to exercise authoritative powers over weavers? To compel them to weave on their own terms. Why is it required that magisterial authority should be vested in the Collectors' servants? That they

* See "Plans for British India."

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they may compel cultivators to cultivate on their own terms. And why should the influence of judicial powers be required in the one case more than the other? The duties are distinct, and each enough of itself to require one man's attention; both cannot be well conducted. The weaving of cloth and cultivation of land rests on the same principle; the profit attached to the labour required. To argue on the necessity of attaching to either the authority of magistracy, is only to admit that the power and influence of the Magistrate is required to enforce that which ought to result from free and voluntary consent and mutual agreement.

67. To repress the arbitrary exercise of authority by individuals; to protect the great body of the people against the oppression of the few; to render all the executive officers amenable to the law; to substitute as the recompense of labour, fair and acknowledged emoluments for private and undue exaction, form the fundamental principles of civil government. Those principles have regulated the conduct of the British administration, and dictated the proceedings of this Government since 1802: of the result it is enough to say that it is the very inverse of that of native government.

68. The great and manifest improvement that has taken place since 1802, cannot have escaped the most cursory observation; but if we deviate from that course, and revert to the native custom and practice in pursuit of supposed advantages, which in fact had no existence but in the wide and unimproved state of society when they prevailed; if we again confound the Executive and Judicial departments, vesting unlimited power and authority in revenue officers, and expecting from them performance of duties without fixed pay, we must lay our account with the return of those evils, inseparable from that system, from which we have been relieved.

69. Sensible of the advantages that have resulted from late arrangements in the administration of civil justice, I have recorded my opinion in favour of those arrangements, equally impressed with the conviction of the ruinous effects likely to result from the union of revenue and magisterial powers in one person. I might justly accuse myself of shrinking from the execution of a public duty, were I to allow any considerations to prevent my recording that conviction. Feeling as I do, that the union of such powers must establish an influence against which no judicial process can stand; that under such union the administration of justice, which ought to hold the first place in the functions of the state, must soon fall, as in former times, to be secondary and subservient to the collection of revenue; reflecting on the misery and oppression that have in former times, and must in future ensue from such a state of things, I could not retire from the station I hold without a self-condemning conscience, were I to abstain from the deliberate record of these sentiments.

70. Private opinions have nothing to do with public duty, and ought not to interfere in its execution after they have been overruled by superior authority; nor have I in this case allowed my own opinion to interfere. It is true, on the first receipt of the letter of 29th April 1814, I considered the subject open in a certain degree to the consideration of public servants in India. It has never hitherto been the practice to preclude, or even discourage public servants from the free communication of their sentiments on important arrangements in contemplation, provided those sentiments were conveyed in language sufficiently respectful. From the exercise of this privilege much of the improvement in the civil government of India has resulted. If such be allowed to the servants of subordinate departments, it is rather an imperious duty than an assumed privilege in a Member of Council submitting his sentiments in respect to projected alterations of such vast importance in the civil administration of the country as those lately introduced. Such communications are made, not to oppose or obstruct the orders of the superior authority, but to convey local opinions for their future deliberation. It is with this view my minutes have been written, and in this light I trust they will be received.

71. It is true, until the receipt of the Honourable Court's letter of the 20th December 1815, I was not aware of the exclusive nature of the confidence reposed in the Commission. From the receipt of that letter, enjoining Members of Government to support the intended system by precept and example,

nothing

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nothing has been left to the Government but obedience. The minutes subsequently entered had no reference to opposing views as to the system itself, but to the proper mode of introducing it. It is unnecessary here to enter into much discussion; it is enough for me to observe that the whole system seemed founded on the supposed existence of certain village officers, and their capability to perform certain duties. Before the law was promulgated vesting those powers, and requiring the execution of those duties by that description of men, I wished to ascertain, first, not from tradition but from local inquiry, the existence of such a description; secondly, their capability to perform the duty. I proposed the inquiry with the sole view of supplying deficiencies and making preparatory arrangements when such were required; but the proposition did not accord with the views of the Commission, and to their view we were bound to conform. That I was not wrong in the opinions then entertained of the necessity of such inquiry or arrangements, events have confirmed.* It is well known that in many districts the Regulation is a dead letter, and by the head inhabitants the required duties are not performed.

71. All has, however, been done by this Government that could be done. All the orders of the Honourable Court have been obeyed; all the regulations proposed by the Commission have been promulgated, although corrected in form and substance as prescribed by them; the system has been introduced, and has been maintained; objections and opinions urged against it have been allowed no practical operation; results have been stated, and it remains for those who come after us to alter and improve, reverse or adhere to the system established.

72. The known opinions and recorded sentiments of Members of Council have sometimes been considered as likely to bias the judgment and affect the conduct of public servants in the inferior departments. In due deference to the injunctions of the Honourable Court, I have abstained from placing on record the final opinion I entertained until the last day. I sit at this Board until the period has arrived when the influence of high station can produce no improper effect on the judgment of others.

73. As this is the last minute I shall have the honour to submit to this Board, I cannot conclude it without placing on record my sincere acknowledgments for the long continued support, and the many benefits I have received from my Honourable Employers in the course of thirty years' service, and at the same time the assurance of my continued and unremitting exertions during the short period it may be my lot, though in a more humble station, to assist in the administration of their affairs.

Fort St. George, (Signed) R. FULLERTON.
7th June 1820.

EXTRACT JUDICIAL LETTER *from the* MADRAS GOVERNMENT *to the* COURT *of* DIRECTORS,

Dated the 4th January 1822.

Judicial Letter from Madras, 4 Jan. 1822.

16. We transmitted to the Board for preparing Regulations a copy of the report of the late Commissioners for the revision of the judicial system, under date the 15th of October 1818, and desired that they would frame one or more Regulations, as might be most convenient, for the purpose of giving effect to the suggestions therein offered. We also furnished them with other papers relating to the same objects. Referring to that communication, Mr. Stratton at a subsequent consultation recorded a minute,* in which he recommended that instructions should be sent to the Board for preparing Regulations, to prepare a draft of a Regulation to provide:

1st. For an extension of the jurisdiction of the district Moonsiffs to 500 rupees.

2d.

* See return to Mr. Cherry's precept to the Magistrate of the Northern District, accompanying Report, second session, 1819.

† Consultations, 16th March.

Judicial Letter from Madras, 4 Jan. 1822.

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2d. For the abolition of all fees on suits not exceeding in amount ten rupees.

3d. For an extension of the jurisdiction of the Sudder Aumeens to 750 rupees.

4th. For an extension of the jurisdiction of the Zillah Registers to 1,000 rupees.

17. He further recommended that the Board should be directed to prepare and submit without delay draft of another Regulation, to provide,

1st. That the Magistrates and police-officers under them be authorized to dispense with record in all cases of petty offences and petty thefts.

2d. That the Magistrates and the police-officers under them be authorized in all cases of petty offences and petty thefts to dispense with oaths whenever they may deem it necessary.

3d. That the Tehsildars be empowered to punish petty thefts by corporal punishment, not exceeding six rattans. That when this punishment be not deemed sufficient by Tehsildars, they be empowered to refer the case for the orders of the Magistrate of the zillah, and to keep offenders in confinement until the receipt of such orders, when the amount of the property stolen does not exceed five rupees.

4th. That when the necessary orders do not reach the Tehsildar within thirty days from the first confinement of the offender, that he be dismissed.

5th. That heads of the villages be empowered to punish petty thefts as prescribed in Section 10, Regulation XI, 1816, with respect to petty offences, when the amount of the property stolen does not exceed one rupee.

18. Our President recorded a minute, expressing his concurrence in Mr. Stratton's recommendations, and pointing out the advantages with which the proposed amendments of the Regulations would be attended, and the requisite instructions were furnished to the Board for preparing Regulations.

19. At our consultation of the 13th of April we passed a Regulation, prepared in consequence by that Board, and entitled "a Regulation for extending the Jurisdiction of the Registers, Sudder Aumeens, and district Moonsiffs, and for the more effectual checking of Abuses by district Moonsiffs."

20. The other Regulation, prepared in consequence of the instructions above referred to, was passed on the 15th June, and is intitled "a Regulation for giving greater Efficiency to the system of Police established in the Provinces subordinate to the Presidency of Fort St. George."

MINUTE *of* G. STRATTON, Esq.

Dated the 13th March 1821.

Minute of G. Stratton, Esq., 13 March 1821.

INSTRUCTIONS were sent on the 16th ultimo to the Board for preparing Regulations, to prepare the drafts of some Regulations on the general suggestions of the late Commission of Internal Administration, which were submitted for the orders of the late Government on the 15th October 1818. It was not then adverted to, that the Regulation Board has not any deliberative power, and that their duty prescribes that they are only to prepare drafts of Regulations in specific instructions.

The Commissioners proposed an extension of the jurisdiction of the district Moonsiffs from 200 to 300 rupees. The great number of decisions passed by them since their appointment in 1816,* and the few appeals against their decisions, shew so decidedly the confidence of the natives in the district Moonsiffs' courts, that it may be advisable to extend their jurisdiction to 500 rupees, leaving appeals open, as at present, in all matters above twenty rupees.†

No

* See Statement, No. 1. † Section 43, Regulation VI, 1816.

Minute of G. Stratton, Esq., 13 March 1821.

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No injury to the public or to individuals can result from this course; for the higher the amount of disputed claims, the parties may be supposed to be the better able to seek redress by appeal against unjust decisions. The zillah courts and punchayets will, besides, be still open to such persons as may have no confidence in the district Moonsiffs.

The Commissioners further proposed the abolition of all fees on suits under ten rupees. This measure, if adopted, will leave the decision of those suits to heads of villages, as the district Moonsiffs will then have no motive in drawing those trifling suits to their own courts, by means of their agents, as was represented to the Commissioners by the Collector of Bellary.* It will, however, be still compulsory with district Moonsiffs to receive and try such suits, when the parties preferring them have no confidence in the heads of their own villages.

If the amount of the jurisdiction of district Moonsiffs be raised as now proposed to 500 rupees, it will be necessary to raise that of the Sudder Aumeens to 750 rupees, to preserve their jurisdiction in original suits beyond that of the district Moonsiffs, and to admit of appeals against their decisions being referred to the Sudder Aumeens. This course is prescribed by Regulation VIII, 1816; and as a distinction now exists in the relative jurisdiction of the Sudder Aumeens and Zillah Registers, it may be advisable to adhere to the principle of the code by raising the jurisdiction of the Zillah Register to the cognizance of suits not exceeding 1,000 rupees.

On the first establishment of the courts, the amount of the Register's jurisdiction was fixed at 200 rupees;† it was afterwards raised to 500 rupees;‡ and we may now with confidence fix the amount at 1,000 rupees, because under the new rules for the employment of the junior part of the service they will, on leaving the College, have to serve three years in the provinces in the Revenue department. This will insure the appointment of Registers of sufficient experience to discharge the important duties now proposed to be entrusted to them.

Should the Board concur in these sentiments, I beg to recommend that instructions be sent to the Board for preparing Regulations to prepare a draft of a Regulation to provide,

1st. For an extension of the jurisdiction of the district Moonsiffs to 500 rupees.

2d. For abolition of all fees on suits not exceeding in amount ten rupees.

3d. For an extension of the jurisdiction of the Sudder Aumeens to 750 rupees.

4th. For an extension of the jurisdiction of the Zillah Registers to 1,000 rupees.

I beg further to recommend that the Board for preparing Regulations be directed to prepare and submit without delay draft of another Regulation, to provide,

1st. That the Magistrates and the police-officers under them be authorized to dispense with record in all cases of petty offences and petty thefts.

2d. That the Magistrates and the police-officers under them be authorized in all cases of petty offences and petty thefts to dispense with oaths whenever they may deem it necessary.

3d. That the Tehsildars be empowered to punish petty thefts by corporal punishment not exceeding six rattans; that where this punishment be not deemed sufficient by Tehsildars, they be empowered to refer the case for the orders of the Magistrate of the zillah, and to keep offenders in confinement until the receipt of such orders where the amount of the property stolen does not exceed five rupees.

4th.

* Letter from Mr. Chaplin, dated 1st June 1818.

† Section 6, Regulation XII, 1802.

‡ Section 6, Regulation VII, 1809.

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4th. That where the necessary orders do not reach the Tehsildar within thirty days from the first confinement of the offender, that he be dismissed.

5th. That heads of the villages be empowered to punish petty thefts as prescribed in Section 10, Regulation XI, 1816, with respect to petty offences, where the amount of the property stolen does not exceed one rupee.

The first of these propositions, when enacted into law, will relieve the Magistrates and the police-officers under them from much useless detail, occasioning a great waste of time, and diverting their attention from important matters. By the second proposition, oaths will again in the course of time become more sacred, having now lost all their weight from being resorted to in trivial matters so much beyond the usage of the natives.

The effect of the third, fourth, and fifth propositions will be to save plaintiffs, witnesses, and offenders so many long irksome journies to the station of the Magistrate of the zillah, when the offence might be immediately punished on the spot where committed, so as to operate with greater advantage with a view to example. Tehsildars and heads of villages have now the power of punishing petty offences to a limited extent;* to extend their jurisdiction over petty thefts by a few stripes or a short confinement, will offer more general relief to thousands than can well be imagined: besides, many petty thefts will be then disclosed which now pass without notice, where plaintiffs and witnesses understand that they cannot be made to suffer by the disclosure, by irksome journies to the station of the Magistrate, or by loss of time from the delays of reference and from the observance of official forms in such trivial matters. Any abuse of authority by Magistrates and the police-officers under them, by these five propositions being enacted into law, will be more than compensated by the good effects which will result from them; and it is only necessary to observe further, that the checks which now exist against abuse of authority on their part will still operate with the same, if not greater effect.

(Signed) G. STRATTON.

(No. 1.)

STATEMENT, *shewing the Number of Decisions by District Moonsiffs since their first Appointment in* 1816, *and the Number of Appeals from their Decisions, to the* 31*st December last.*

YEARS.	NUMBER of DECISIONS of the DISTRICT MOONSIFFS.			Appeals instituted from Decisions of District Moonsiffs.
	Decreed or dismissed.	Adjusted by Razenamah.	TOTAL.	
1816	3,819	1,944	5,133	—
1817	30,948	16,903	47,851	764
1818	25,810	15,928	41,738	785
1819	26,486	17,239	43,725	797
1820	28,010	17,073	45,043	711
Total.........	1,14,443	69,087	1,83,530	3,057

MINUTE

* Sections 10 and 23, Regulation XI, 1816.

MINUTE *of* GOVERNOR MUNRO,
Dated the 16th March 1821.

Minute of Governor Munro 16 March 1821.

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Most of the amendments of the Regulations proposed in the minute of Mr. Stratton have already been sent to the Board of Regulations by Government, though not in so specific a form. They will be comprized in two Regulations, one criminal the other civil, and they will, I have no doubt, be very useful, both in promoting the ends of justice and in facilitating its distribution.

The criminal Regulation will rest in Tehsildars and heads of villages the power of punishing petty thefts to a limited extent without reference to the Magistrate. The Sudder Adawlut object to their officers having the power of even taking examinations regarding petty thefts, in their remarks upon a proposition to that effect by the first Judge on circuit of the centre court.* Were we to be guided by this objection, we must continue, as at present, to force thousands of people every year before the Magistrate as witnesses in trifling matters, for which they ought never to have left their homes, or we must consent to let numbers of petty thefts go unpunished, because those who know of them are deterred from informing by the fear of being sent to a distant court to give evidence. The jurisdiction of the Potail will be limited to thefts within one rupee, and that of the Tehsildar to thefts within five rupees. The Potail will have no power to punish beyond what he now has in petty offences: the Tehsildar's power of punishing will be limited to six rattans. The probable effect of the Regulation, as far as the Potail is concerned, will be that many petty thefts which now pass unnoticed will be punished by a few hours' confinement, and that many which deserve no higher punishment, but which are now sent to the Magistrate, will be punished in the same way upon the spot. The effect of the Regulation with regard to the Tehsildar will be, to give him more weight in his district, to render him more efficient as a police-officer, to enable him to relieve the Magistrate from much unnecessary labour in investigating trifling cases, and by punishing at once upon his own authority and upon the spot, to render the example more impressive. The doctrine that all thefts whatever should be cognizable only by the European Magistrate, and that not a single rattan should be inflicted throughout our wide territory except by his order, has always appeared to me one of those visionary schemes which never could be rendered to practice, and which, even if it could, ought not to be adopted. A man must have had very little experience, or must have looked with very little attention at what was passing before him, who can believe that the few Europeans employed in the provinces are capable of investigating in any adequate manner all the various thefts that occur. Our native servants may tell us that we do all this, but we delude ourselves if we believe that we can. If we wish to do it, we must avail ourselves of the means within our reach, and make use of the intelligence of the internal administration, by granting to them jurisdiction in all those subordinate matters in which from their habits they are so much better qualified to act than ourselves.

There are a great number of thefts of a trivial nature, which when not committed by persons of bad character can scarcely be regarded as crimes: such as the stealing of a few roots or a little grain from the field by a servant of the owner, or by some idle passenger; the pilfering in an open bazaar of some tobacco or article of trifling value: such matter ought not to be brought before the Magistrate. Before the introduction of the judicial code, they were punished, as the case might be, either by the master of the house or the Potail of the village, by some slight chastisement or by reprimand; they will now again be punished in the same manner instead of being brought before the Magistrate, as too many of them have been of late years. There is no cause to apprehend that the limited authority proposed to be given will be abused by the Tehsildars or heads of villages, for they have no motive to prompt them to exceed the bounds prescribed by law, but the fear of punishment and the dread of losing their places, to restrain them within them.

The civil Regulation proposed by Mr. Stratton will extend the jurisdiction of the district Moonsiffs, of the Sudder Aumeens, and of the Registers of the Zillah

* Sudder Adawlut to Government, 7th September 1820.

Zillah Courts, and will abolish fees on all suits under ten rupees tried by the district Moonsiffs. I am anxious to make a more extensive use of the district Moonsiffs, who experience has shewn can do so much judicial business with so few appeals. This institution affords great convenience to the inhabitants by its nearness to their homes, and by the quickness and cheapness of its decisions. The extension of its jurisdiction will, by relieving the Zillah Judge from a great portion of its present business, enable us to enlarge the zillahs, to reduce the number of Judges, and to lessen the judicial expenditure. The extension of the jurisdiction of the district Moonsiffs necessarily involves that of the Sudder Aumeens and Zillah Registers, as the original distinction among them could not be otherwise preserved. The number of causes brought before the Zillah Registers has been already so much reduced by the native tribunals, that an extension of jurisdiction becomes absolutely necessary in order to give them employment. But as they must now, from the time which they are required to pass at college, and in the Revenue department after leaving college, be four or five years in the country before they are eligible to the office of Register, they will in future be as well qualified for the extended as they were formerly for the more limited jurisdiction.

Minute of Governor Munro, 16 March 1821.

Judicial System.

The abolition of fees on suits within ten rupees in the district Moonsiff's court, is intended to prevent the Moonsiff from drawing such suits away from the village into his own court. There is one objection to this measure which I have always seen, *viz.* that the district Moonsiff might not entertain suits from which he could derive no profit; and that as the Potail or village Moonsiff might also decline to receive them, they might thus between these two authorities remain undecided. The district Moonsiff, it is true, is bound to decide such suits, but he would probably find means to put off or to evade altogether the adjustment of them, when he had others before him which yielded him fees. I have, therefore, sometimes thought that it would be more advisable to reduce the fees on the ten rupees suit so low as to leave the district Moonsiff no inducement to seek them, but not so low as not still to make it worth his while to settle them when they came into his court. As it is, however, desirable that these suits should in general be settled by the village Moonsiffs, and as it is likely that more of them will be settled in the villages in proportion as the delay of decision increases in the district Moonsiffs' court, I think that the experiment of a total abolition of fees on ten rupees suits should be made. It will probably have the desired effect; and if it has not a small fee can be again imposed.

(Signed) THOS. MUNRO.

EXTRACT JUDICIAL LETTER *from the* MADRAS GOVERNMENT *to the* COURT *of* DIRECTORS,

Dated the 4th January 1822.

Judicial Letter from Madras, 4 Jan. 1822.

36. In submitting the report of the Second Judge on circuit in the southern division, the Foujdarry Adawlut remarked on the departure from the provisions of the Police Regulations which had taken place in certain zillahs, and on changes which it seemed to them necessary that these provisions should undergo, recommending that, in particular cases, the Magistrate should be authorized to relieve the Tehsildar of a district from the duties of head of police, and to transfer them to a Darogah, with a separate establishment. Our President took that occasion to record at large his sentiments with respect to the nature and advantages of the alteration in the system of police which was introduced by the Regulations passed in 1816, and in particular his decided objection to the establishment of any police authority in a district independent of that under which the revenue was administered. Sir Thomas Munro, however, suggested various amendments of the Regulations in force, consistent with the leading principle of leaving the police authority in a talook with the Tehsildar, as that in the whole district is left with the Collector. These amendments will be found in Regulation IV of 1821, entitled "A Regulation "for giving greater Efficiency to the System of Police established in the "Provinces subordinate to the Presidency of Fort St. George."

MINUTE *of* GOVERNOR MUNRO,

Dated the 27th April 1821.

Minute of Governor Munro, 27 April 1821.

Judicial System.

In the proceedings, under date the 19th of March, of the Sudder Foujdarry Adawlut on the last report of the Second Judge on Circuit of the Southern Division there are some observations on the employment of police-officers in a manner contrary to law, and some suggestions concerning the improvement of the Police Regulations, which demanded the attention of the Board.

I concur in the opinion given by the Sudder Adawlut, that under the existing Regulations, the authority of the Aumeens of police of great towns is confined to the limits of such towns: that the Regulations do not authorize the appointment of police Aumeens, as in Tanjore, to districts in which there is a Tehsildar, because the Tehsildar is himself by law the head police-officer of the district, and that when an Aumeen of police is detached from the town to which he is appointed he cannot exercise the functions of a head police-officer. But I do not agree with the Sudder Adawlut in thinking that a police Aumeen is not intended to be employed as a revenue officer; there is nothing in the Regulations against his acting as such; on the contrary, the whole spirit of the Regulations is in favour of it: for it is expressly stated in different sections that police and revenue without distinction. (*Sic orig.*) It is also stated that the police Aumeen is appointed merely because the head of the village is unequal to the duty; but it does not follow that because the Aumeen is to take charge of the police of the town he is not also to take any charge of the revenue: I think that he may either have a revenue charge or not, at the discretion of the Collector.

The Second Judge on Circuit endeavours throughout his Report to shew that wherever the police is inefficient it is to be ascribed to the changes made in 1816. He observes, that a considerable improvement has of late taken place in the police of Salem in consequence of a partial recurrence to the former system of the separation of revenue and police, and the conducting of the duties by separate officers, immediately under the Magistrate. The essential difference, however, between the present system of police and that introduced in 1802, does not lie, as supposed by the Second Judge, in the direction of the duties of revenue and police being committed to the same, or to different persons; but to the control of the police being transferred from a stationary Zillah Magistrate, without any means of acquiring information of the state of the district except through an establishment of Darogahs, strangers to the country, and whom nobody obeyed without compulsion; the Collector as magistrate having the most ample means of information, and having at his command the willing services of all the village servants, and the co-operation of all the inhabitants. The system of 1802 was obnoxious to the people, because it placed them under the authority of Darogahs, men who had no interest in the welfare of the country, and who from the smallness of their pay were generally persons of no respectability. The present system is acceptable to the inhabitants because it is their ancient one, and leaves the heads of villages and the village servants under the authority, not of two masters but of one only, namely the Tehsildar, whom they have always been accustomed to obey.

It must be admitted, that where all other circumstances are equal, a person devoting his whole time to one employment is likely to execute it better than a person who has other duties to perform, and that a Darogah must therefore be better qualified than a Tehsildar to manage the police of a district where such equality of circumstances prevails. But as it prevails no where, as the Darogah has only the single advantage of being confined to one object, and as the Tehsildar has every other in his favour which can arise from the state of society and from ancient local institutions, he is able with much less labour, and even with much less ability, to superintend the police of the district successfully than the Darogah.

A Darogah, when stationed in a district with his small guard of Peons posted at different places for its protection, has no means of knowing the state of the country, because neither he nor they have any natural authority or influence in it. He does not know where crimes are likely to be committed, nor can he remove any of the causes which frequently give rise to crimes and disorders. He

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He can do nothing in the prevention of offences; but when they have been committed, he is ready with his Peons to devote his whole time to the apprehension of the offenders. But this is but a very small part of the duties of police; the mere business of pursuit and apprehension after the alarm has been given is easy, and is not worth the expense of a separate establishment: but this is all that the Darogah can do. The discovery itself is never made by him or his Peons, but is made and brought to them by the hereditary village watchers and other servants, and it is only then that they begin to act. The public resources do not permit us to give a liberal allowance to Darogahs, no person therefore accepts of the office unless he is either of a low class in society, or intends to find some other means of subsistence besides his pay. The Darogah has no respect in the country, and he usually seeks to keep up his consequence by terror, and to increase his income by fomenting disputes in families, by alarming them with threats of making disclosures against their women, by exacting money for concealment, and by every kind of vexation, as in Canara and Coimbatore. The darogah system is so essentially bad, that no talents on the part of the Magistrate can render it good. It is a system which, I believe, has never been attempted to be established in any country but this, and which certainly never can be any where successful. An officer of criminal police who has no other occupation, and whose sole maintenance consists in the low salary which he receives for his work, is usually considered as nothing more than a thief-catcher, who may be sometimes an useful, but very seldom a respectable member of the community. Such a person can never be placed at the head of the police of a district, subject to no control but that of a Magistrate fifty or a hundred miles distant, without exciting disgust and contempt. The country magistrates of England are respected because they are unpaid, and are men of character and property in their several districts; but what would be the consequence if their duties were transferred to a low stipendiary police-officer, and if they were themselves placed under the control of a Darogah or constable. Such an order of things, however, would not be more repugnant to the feelings of the people of England than it is to those of the inhabitants of this country.

The Darogah system has nothing to recommend it. Had it a chain of posts from the Kistna to Cape Comorin it would not prevent a single crime; instead of acting quietly and unseen, it is always in the highway, full of hurry and bustle. It has no hold upon the prejudices or attachments of the people; it is strong and active only to vex and injure, but weak and inefficient to protect.

We have not in India any class corresponding with the country gentleman of England to undertake the duties of police, but we have instead of them the heads of villages and the Tehsildars of districts, the most respectable men in the country, who have been instructed with these duties in all ages to discharge them still. The Tehsildar has in this respect advantages which no other person can possibly possess. He is the head of the district, whom all the inhabitants have always been accustomed to obey, and to apply to for redress in all their difficulties. The heads of villages and all the village servants regard him as the officer under whom they and their ancestors have always acted, and they execute his orders with cheerfulness and alacrity in all matters, whether of revenue or police. The influence of the Tehsildar is not confined to the authority derived from his official situation, but is greatly increased by the many opportunities which he enjoys of conferring benefits on the people under him, and in this respect he has much the advantage of the country magistrates of England. He has it in his power to obtain a remission of rent for all who have suffered from unfavourable seasons or other causes; he can not only relieve poor cultivators by a remission of rent, but assist them by an advance for cultivation; he can, by recommending the construction or repair of tanks and wells, and other useful works, contribute essentially to the improvement of the country; he also often assists the inhabitants with advice, and endeavours to settle their differences amicably. From all these causes he possesses an [illegible]ancy in the district, which is of the greatest utility in facilitating [illegible]tch of all [illegible] and police duties; and which cannot be divided [illegible] other [illegible] without irreparable injury to the public service. I [illegible] therefore ass[illegible] the propositions of the Sudder Foujdarry Adawlut for transferring in certain cases the charge of the police of the district

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district from the Tehsildar to a Darogah. The Tehsildar being the most respectable public officer, is on that account the best fitted to be at the head of the police. It is not necessary that he should himself undertake the immediate management of it, where circumstances may render it inconvenient; he might in such cases confide it to a Gomastah, either for a longer or shorter period, reserving to himself the general control.

All Revenue servants under the Tehsildar are officers of police as well as of revenue, and all police servants are to be employed in revenue or police, as occasion may require.* It appears to me that either the Tehsildar or the Collector might, under the Regulation as it now stands, appoint a Gomastah to the immediate charge of the police of the district, reserving to the Tehsildar his general control as head of the police. But in order to remove all doubt upon the subject, I would recommend that a provision to this effect be inserted in the Regulation now preparing.

1st. The Magistrate shall be empowered, whenever he may deem it necessary from the disturbed state of the country or some other unjust cause, to appoint a subordinate officer to the charge of the police of any part of a district for a longer or shorter time, with or without revenue authority; but this subordinate officer shall in all respects be as entirely under the authority of the Tehsildar as any of his other subordinate officers.

2d. All Peshkars and Gomastahs of Tehsildars, or persons exercising similar functions under whatever denomination, and in general all subordinate officers of Tehsildars known by the designation of Ahelse Kullum Penmeh shall have full authority to take examinations, confessions, and depositions.

3d. All Aumeens of police, as well as all persons employed in the police under any other denomination, shall also perform such revenue duties as the Collector or Tehsildar may entrust to them.

All Aumeens of police, though specially appointed to particular towns, shall have their jurisdiction extend beyond the limits of such towns at the discretion of the Magistrate. But Aumeens of police, both within and without the limits of such towns, shall in all respects be as completely under the authority of the Tehsildar as any of his other subordinate officers.

It can seldom be necessary for the Collector to place any subordinate officer in the immediate charge of the police of any considerable part of a district, but whenever it is done the fact and the cause of it should be reported to Government. It would be better that the person selected for this office should be recommended by the Tehsildar, but whether he be or not he should be under his authority. The great advantage of his being so is, that the whole country will readily aid him in the execution of his duty, while if he is not, it will rather counteract him, and give no aid that it can withhold. A Darogah or police-officer independent of the Tehsildar is a new office unknown to the people, and one which never can command respect, and which therefore can never be of any real utility. No police which is contrary to the feelings of a country can ever be successful, and it would be better to have no district police at all than one under the management of Darogahs.

The Second Judge on Circuit urges the separation of police from all other duties, and seems to think that this separation is essential to its perfection: but this is certainly not the case in this country, nor does it appear to be thought so even in England; for the author of the Police of the Metropolis recommends that the constables employed under the select country Magistrates should collect the revenue arising from licenses, for the double purpose of making them more respectable, and of enabling them the more easily to watch the conduct of all suspicious license-dealers. But this proposed union is what exists every where in this country. The village watchmen and other servants are both police and revenue officers, and those practical men who have had the best opportunities of examining the subject have regarded this very union as the circumstance which rendered them much more efficient as a police than

* Sections 25 and 48, Regulation XI, 1816.

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than any separate hired establishment could possibly be. All persons residing within the limits of an Indian village are either registered by or known to the village servants; most of them are subject to rent or service of some kind or other, and hence are constantly under review. The few who are exempted are known from the very circumstance of their exemption, because as their title to it rests on their belonging to a privileged class, and not being engaged in trade, it becomes necessary to examine how they are occupied. Men who are thieves by profession, or who have no visible means of subsistence, and all who are likely to disturb the peace, are known to the village servants, and through them to the Tehsildar or his deputies. Gang-robberies and other heinous offences are usually committed by the followers of Poligars, who are protected by their chiefs, or who have been disbanded and are without employment, or by village watchers whose lands are uncultivated from the village having fallen into decay, and who are sometimes in bad seasons joined by a few of the poorer class of cultivators and country labourers: but none of these classes can engage in such criminal transactions without very soon being suspected or discovered by some of the village servants. These servants have the best means of foreseeing and preventing the commission of offences, and when committed, of discovering the offenders. In ordinary times, therefore, no other police is requisite than that of the village servants properly directed. In districts liable to be disturbed the village police has been occasionally aided by bodies of armed Peons: but the services of both, for the reasons already assigned, will always be most efficient when under the control of the Tehsildar according to the ancient usage of the country. It is not necessary that he should personally conduct all the details himself. He may commit this duty when he sees proper to any deputy in whom he has confidence, retaining in his own hands the general control. This will prevent the police from being converted into an engine for the vexation of the country, which is the point to which it always tends when formed into a separate establishment under the management of a Darogah, who has no interest in the welfare of the inhabitants.

I have recommended that all the subordinate officers of Tehsildars be authorized to receive confessions from prisoners, and to take examinations and depositions, and that such documents be admitted as evidence in the same manner as if they had been taken by the Tehsildar himself; because such a measure will greatly facilitate the regular and speedy execution of the duties of Police.

The Gomastahs and other subordinate officers are usually as well qualified as the Tehsildar to take examinations. They are educated in the same manner, trained in the same profession, and expect in their time to attain the same rank in it; why should we not, therefore, avail ourselves of their services, as well as of his in such matters? At present, when a crime is committed no one in the district can take a deposition but himself, and though he should be thirty or forty miles distant at the time, nothing can be done till the prisoner and witnesses are carried before him. The consequences of this must be that witnesses are unwilling to come forward, and that the facts can never be so clearly established as if the inquiry had taken place on the spot and without delay. But as there are always several Gomastahs in a district, and some one of them, probably, near the place where the offence was committed, the investigation might be made immediately, and all the evils of delay obviated. I can see no reason why the performance of this duty should be confined to the Tehsildar, or why, when we have a numerous establishment of subordinate servants equally qualified for it, we should not avail ourselves of the advantage of their services.

With regard to the general result to be drawn from the report of the Second Judge on Circuit, I should conclude from the facts which he states, without implicitly adopting his argument, that crime prevails nearly as it has done for some years past, and that we are not to expect any sudden improvement in this respect. The account, however, which he gives of the Police in two zillahs, namely, South Arcot and Tinnevelly, seems to call for some observation. In speaking of South Arcot, he says, "it must be admitted that a "scene of the utmost tranquillity seemed to prevail in the vicinity of the "route travelled by the Court of Circuit, but that there is great reason to "believe

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" believe that crime is not less frequently committed than elsewhere, though " the ends of public justice are in many instances defeated by its being com- " pounded and compromised by the local officers," &c. In speaking of Tinnevelly, he says, " that the Police has sunk so low in the estimation of the " people, that, in truth, it can scarcely be said to have any existence at all, " except in name, and" he adds, " that robbers issue forth at night with " arms and torches, creating consternation and terror wherever they appear, " and with hatchets break into the houses of such individuals as they suppose " to be wealthy," &c.

The Magistrate of South Arcot should be directed to inquire and report what he can learn respecting the compromises mentioned by the Judge on Circuit, and the Magistrate of Tinnevelly should be required to report whether the police be less efficient than in former years; and, if so, the causes of the change, and whether the torch-light robberies are new occurrences in his district, and whether they are common or confined to the hilly and remote parts of it.

(Signed) THOS. MUNRO.

EXTRACT JUDICIAL LETTER *from the* MADRAS GOVERNMENT *to the* COURT OF DIRECTORS,

Dated the 4th January 1822.

Judicial Letter from Madras, 4 Jan. 1822.

43. The Sudder Adawlut, in a subsequent letter, proposed that a Regulation should be enacted, authorizing Zillah Judges in certain cases to receive appeals from the decisions of village and district Moonsiffs, but we concurred in the reasoning contained in a minute recorded by Mr. Stratton against such a provision, as being unnecessary and of injurious tendency.

MINUTE *of* G. STRATTON, Esq.

Dated the 26th June 1821.

Minute of G. Stratton, Esq. 26 June 1821.

In the letter from the Sudder Adawlut, now under our consideration,* respecting some erroneous decisions by village Moonsiffs, the following passage appears: " The Judge, in his reply, dated the 7th March 1818, stated that " petitions had been presented to him by defendants in five suits decided by " the village Moonsiff of Coimbatore, complaining of unjust decrees, and that " on a perusal of the proceedings, the decrees appeared to have been given on " insufficient grounds." Had the Zillah Judge of Coimbatore, instead of five, adduced fifty cases of erroneous decrees by village Moonsiffs, I should have objected to altering the law as proposed by him, *viz.* requiring " that village " Moonsiffs shall take down in writing the depositions of witnesses in all suits, " and that an appeal should lie to the Zillah Judge from all decisions passed by " a village Moonsiff." The adoption of his proposal would amount to a virtual rescision of Regulation IV of 1816. The Sudder Adawlut are not disposed to go to the length proposed by the Zillah Judge, but still the adoption of the modifications proposed by them would have the same effect. The village Moonsiffs, from the fear of the courts, would be deterred from acting for the future in the settlement of petty village disputes. Admitting that they occasionally pass an erroneous decision, we should look to the general good derived by the poorer classes of the community since the enactment of Regulation IV of 1816, contrasted with the partial evils complained of. I find, on a reference to the records of the Sudder Adawlut Office, that the number of causes decided by village Moonsiffs, and the number of appeals against their decisions since that enactment to the 31st December last, is as follows:

1816

* From Sudder Adawlut, 31st May 1821.

Minute of G. Stratton, Esq. 26 June 1821.

Judicial System.

	Decided.	Appealed.
1816	451	—
1817	10,965	2
1818	8,142	5
1819	4,488	27
1820	4,144	11
Total	28,190	45

The Sudder Adawlut observe, "The evils resulting from the operation of "the law as it now stands are not merely speculative, they are practically "exemplified in the accompanying correspondence with the Judge in the zillah "of Darapooram; and although the Judges have the satisfaction of stating "that the representations from other quarters have not been numerous, yet "they all contribute to place in a strong light the inexpediency of continuing "to these inferior judicatories (alluding to both village and district Moonsiff's "courts) an authority which, however honestly exercised, may in its effects "produce irremediable injustice to individuals." But the injustice to individuals under the present system I consider trifling and of no consideration, compared to what they suffered before the enactment of the village and district Moonsiff Regulations of 1816. We can have before us at any time the result of the old and new systems in the administration of civil justice. It will appear by them that more causes are now decided with fewer appeals and in less time than formerly. From the consideration of these important facts, I am of opinion it is preferable to tolerate the partial evils of the present system than to risk the loss of the advantages we derive from it by imposing such checks on the village Moonsiffs as would deter them from settling the petty village disputes which occasionally arise. The law now admits of village Moonsiff's decisions being annulled, "on proof of corruption or partiality;"* and although the number of village Moonsiffs exceeds 10,000, and the number of suits decided by them to the 31st of December last, as reported, amounts to 28,190, yet the number of appeals against their decisions is, as I have already shewn, only forty-five during a period of little more than four years. Many suits are decided by village Moonsiffs which are never reported by them; and again, many suits are easily accommodated between the parties, because they know a tribunal exists in the village to which either can refer. I may therefore safely add, the benefits "resulting from the operation of the law as it now "stands are not merely speculative, they are practically exemplified."

In respect to the admission of appeals from every suit decided by a district Moonsiff, the Zillah Judge of Coimbatore urges the necessity of the measure, partly on the following plea:† "Another consequence of the district Moon-"siffs and the village Moonsiffs also deciding causes from which there is no "appeal is, that the time of the Sudder Aumeens is taken up very unpro-"fitably with deciding petty suits; more than a third of the suits filed in this "court since the beginning of the year are for twenty rupees and under." The Judge here complains of the time of his Sudder Aumeen being unprofitably taken up in deciding petty suits; but the remedy against this inconvenience is within his reach, for the Judge is empowered by Section 56, Regulation VI, 1816, to refer the petty suits alluded to, to the district Moonsiffs of his zillah. Adverting to the effects of the old and the new systems, I am decidedly of opinion that, instead of opening the door to litigation by the admission of appeals in petty suits decided by village or district Moonsiffs, the law in this respect should remain as it is at present, since the too easy admission of appeals in trifling suits may answer the ends of a few individuals, but would be attended with much inconvenience to thousands.

(Signed) G. STRATTON.

EXTRACT

* Section 29, Regulation IV, 1816.

† Paragraph 8, 24th April 1819.

EXTRACT JUDICIAL LETTER *from the* MADRAS GOVERNMENT *to the* COURT *of* DIRECTORS,

Dated the 4th January 1822.

Judicial Letter from Madras, 4 Jan. 1822.

Abolition of Courts.

62. We have noted in the margin the Consultations in which full information may be found relative to our proceedings connected with the abolition of two zillah courts in the Northern and two in the Southern Division, in pursuance of the system recommended in our President's minute of the 22d of January 1821, recorded in this department.

MINUTE *of* GOVERNOR MUNRO,

Dated the 22d January 1821.

Minute of Governor Munro, 22 Jan. 1821.

1. The Honourable the Court of Directors have expressed their wish that the higher offices at the Presidency should in future be filled with men who have acquired a competent knowledge of revenue in the provinces. It is evident, however, that this important object can only be attained by equalizing more nearly the advantages of the revenue and judicial lines, so as to make it desirable for those who have acquired experience in the revenue to continue in that line. Almost every hope of improvement in the Revenue department was precluded by the arrangements made at the time of the permanent settlements, by which the Collectors were, with regard to rank and allowances, placed so far below the Judges. The effect of these arrangements, had they been completed, would have been to have placed the comparative advantages of the two lines in nearly the following proportion.

In the provinces, twenty Collectors at four hundred pagodas each per month, or with extra items, about Pagodas 5,000 per annum .... Total Pagodas	1,00,000
Twenty Zillah Judges, each 8,000..............................	1,60,000
Twelve Provincial Judges, from 10,000 to 12,000 pagodas each, or average 11,000	1,32,000

It is obvious, that where the disparity was so great, that every person would leave the inferior line whenever he could. Fortunately for the revenue department, the permanent system was not carried through. A gradual change for the better has for some years been making in the condition of the revenue servants: but the difference between them and the judicial servants is still too great, as may be seen from the following abstract:

Revenue.—Twenty Collectors, who received in the years 1819-20 allowances varying from Rupees 20,009 to Rupees 35,851 .... Total ...... Rupees	5,78,690
Judicial.—Twenty Zillah Judges, at a fixed salary of Rupees 28,000 each, is..	5,60,000
Twelve Provincial Judges, from 35,000 to 42,000 rupees each, is..	1,32,000
Total Judicial......Rupees	6,92,000

2. While not only the number of appointments, but the rate of allowances attached to them, is so greatly in favour of the Judicial branch of the service, every person who has any talent or interest will seek to get into it. The Collector will be anxious to leave his own line. The Revenue will be regarded not as a permanent object, but as a passage to a better. It is proper that the respectability and independence of the Judicial branch should be maintained, and that the salaries should be higher than those of the Revenue, but not in too great a degree. When the difference of salary is moderate, both may be equally respectable; when it is great, the inferior loses not only in emolument, but in the estimation of the natives in character also. To give to the Revenue line that weight which it ought to have in the eyes of the natives, and to make it worth the while of able and experienced men to remain in it, we must bring the

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the two departments nearer to a level, not so much by reducing the Judicial as by raising the Revenue allowances, and appointing a certain number of principal and sub Collectors. This might be done without any additional expense, by abolishing, as they fall vacant, some of the Zillah Courts in which there was least business, and applying the saving resulting from this measure to the payment of the principal and sub-Collectors.

3. There are two modes in which an arrangement of this kind might be carried into effect. The first is by reducing at once a certain number of Zillah Judges and Collectors, enlarging the zillahs, and placing in each one Zillah Judge and one principal Collector, with one or more sub-Collectors. The second is by reducing the number of Zillah Courts as vacancies occur, leaving the number of Collectors as at present, but making by degrees the Collectors of the more important districts principal Collectors, with one sub-Collector to each. Were it practicable, without injury to the public and to individuals, I would prefer the immediate reduction of a portion of the Zillah Courts, and the enlargement of the zillahs, and the appointment of a certain number of principal Collectors: but this would throw many civil servants out of employment, without producing any adequate advantage. By reducing the zillahs to one-half of their present number, and placing a Zillah Judge and principal Collector in each, there would be an appearance of regularity and arrangement, and of a comprehensive system; but there would be nothing real, but confusion, because we have not yet a sufficient number of men capable of managing such extensive collectorates as this plan would require.

4. The system which existed in some of the provinces under this presidency before the introduction of the Zillah Courts, is, I think, the least calculated for their good management. Under this system, the principal Collector, with the aid of sub-Collectors and of an assistant as Register, had charge of the gaol, and committed for trial by the Judge of Circuit. Were this system reverted to, the Zillah Judge would be confined to civil jurisdiction, and the principal Collector would exercise the powers of the Criminal Judge. However desirable the adoption of such a system may be, we are not yet prepared for it. The village leases are drawing to a close, ryotwar settlements must be again resumed. Many of our Collectors never made a settlement, either village or ryotwar: they were appointed to office after the village leases of their districts were made, and have merely been employed in collecting the rents. Were we to make such new principal Collectors in districts augmented greatly beyond their present size, with full magisterial powers and the charge of the gaol, we should impose a duty upon them to which they are utterly unequal. We should, in appearance, introduce a system simple and uniform, but we should in reality throw most of our districts into inextricable disorder. Before such a system can be safely and generally adopted, we must have Collectors of more revenue experience, and we must greatly abridge and simplify the magisterial duties which would devolve upon the principal Collector.

5. The plan which I propose to adopt at present, is to abolish some of the Zillah Courts which have least business whenever they fall vacant, and to appoint at the same time and in the same gradual manner a principal and sub-Collector to some of the largest and best regulated collectorates; to raise the salary of the principal Collector, so as to place him nearly on an equality with the third Provincial Judge in some collectorates, and with the second Provincial Judge in others. The advantages which may be expected to result from these measures when connected with the resolution of the Board, by which all the junior servants must serve at least two years in the Revenue department in the provinces, are, that we shall have a regular gradation of provincial revenue servants, namely, Assistant-Collector, Sub-Collector, and Collector, and Provincial Collector; that we shall not have to bring men from other departments totally unacquainted with revenue to act as Collectors; that we shall among the Sub-Collectors always find men prepared by practice to discharge creditably the duties of Collector or principal Collector; and that as the principal Collectors will have no inducement, as now, to quit their own line for the judicial, we shall have the benefit of their services being continued where they are most useful to the public. It may be objected to the proposed measure, that the enlargement of the zillahs will throw too much business upon the

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Zillah Judge, and will cause considerable inconvenience to parties and witnesses, by increasing the distance of the court from their homes; but in answer to this it may be said, that the distance will not be more than it is at present in several of the more extensive zillahs. That the business will not be more than it now is in the more populous zillahs; that the civil business is every day diminishing, and will still be greatly diminished, by extending the jurisdiction of the district Moonsiffs, by which more time will be left for attending to the dispatch of criminal business; and that the proceedings of the Circuit Judges will be much facilitated by having fewer stations to visit.

6. The office of Zillah Judge of Vizagapatam is now vacant. The court at that place may be abolished, and Vizagapatam and Ganjam formed into one zillah with its court at Chicacole, which is a centrical and convenient station. Tanjore and Coimbatore should be made principal collectorates, with one sub-Collector in each. I select these two districts, because Tanjore, from its wealth, population, and revenue, is one of our most important districts, and Coimbatore one of those in which the ryotwar system is best understood and conducted; and because both are districts in which we have every reason to believe that sub-Collectors will be well trained.

7. I reckon that the saving arising from the abolition of the Zillah Court will nearly defray the expense to be incurred by the appointment of two principal and two sub-Collectors. The expense may be estimated nearly as follows:

Additional salary to a principal Collector .... Rupees		4,200
Salary of a sub-Collector ....Rupees	14,000	
Allowances of ditto, on extra heads of Revenue.* Tent allowance at fifty-two rupees and a-half per month, and three and a-half per day when in tent, say......	1,050	
Total allowance of sub-Collector	15,050	
Cutcherry of sub-Collector	7,000	
		22,050
Total, additional expense of Collectorate		26,250
Expense of two principal Collectorates............................		52,500
Deduct charges of a Zillah Court abolished..................		51,041
Difference............Rupees		1,541

Though the saving in one department, and the expenditure in the other, have no necessary connexion with each other, yet it is satisfactory to find, that the additional charge can be met by a corresponding reduction; but even if the case had been otherwise, I should have thought it advisable to carry both measures into effect. I should have regarded as an idle waste of public money the keeping up of a court, when the reduction of its business enabled us to do it away without the smallest inconvenience to the country, and I should have proposed the appointment of principal Collectors as a measure indispensible to the future security of the Revenue, even if there had been no saving in the Judicial department to cover the charge. I regard the saving in the Judicial branch as permanent, but the additional expenses in the Revenue as temporary only, for it will gradually be made up by improvements in the administration of that department, in consequence of its falling into more experienced hands. Nothing is so expensive as inexperienced Collectors. Much more than the amount of their allowances is left every year in revenue from their mismanagement; and when the affairs of their districts have in consequence fallen into disorder, we are obliged to submit to the additional expense of a commission to inquire into the causes of it. We must, under every system, always expect to have some bad servants; but when the system itself is bad, we can expect to have but few that are good.

8. We

* No additional charge, as the amount will merely be drawn by the Sub-Collector in place of the Head Assistant.

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8. We should form a very erroneous judgment of the important influence of the office of Collector, if we supposed that it was limited merely to Revenue matters, instead of extending to every thing affecting the welfare of the people. In India, whoever regulates the assessment of the land, really holds in his hand the main spring of the peace of the country. An equal and moderate assessment has more effect in preventing litigation and crimes, than all our civil and criminal Regulations. When the lands are accurately surveyed and registered, the numerous suits which occur where this is not the case, regarding their boundaries and possession, are prevented; and when the assessment is moderate, every man finds employment, and the thefts and robberies which are committed in consequence of the want of it and of other means of subsistence almost entirely cease. When the people are contented, those incorrigible offenders who live as banditti and make robbery a trade find no protection or encouragement, and are all gradually taken, or expelled from the country.

9. If we employ inexperienced Collectors; if our assessment is not only unequal, but in many places excessive; if we have no correct detailed accounts of the lands, litigation will increase every day, and all our courts will be inadequate to the adjustment of them. Nothing can so effectually lighten and diminish the business of the courts, as a good settlement of the revenue.

10. I do not expect that the measure now proposed will occasion any rapid improvement in our Revenue administration, but I am confident that it will ultimately produce all the advantage which we can reasonably expect. Some of our Collectors understand their business, but others know very little of it. When Assistants are placed under such men, they learn nothing; they follow the steps of their superiors, and it is only in the case of extraordinary talents that any improvement can be looked for under such disadvantages. In districts, therefore, where a bad system has long descended from one set of inefficient men to another, we must not hope to train up able Collectors. This can be done only in districts where a good system now exists; we ought therefore to send a large proportion of Assistants to such districts. But as it will be many years before any considerable number of these Assistants can become properly qualified to take charge of districts, it will be a long time before good Collectors can be found for all those districts in which they are now wanted. When this is done, but not before, the collectorates may be enlarged, if it should be deemed expedient for the sake of economy. If we were to enlarge them before we had Collectors qualified to manage them, we should, instead of effecting a saving, incur additional expense by the loss which would be occasioned by their incapacity. Though I am, therefore, averse to any enlargement of the collectorates in general, I do not mean that we should carry this principle so far as to be precluded from incorporating one or two of the smaller collectorates with the adjacent ones, when it may be found convenient.

11. It is not necessary to lay down any specific rules for the office of sub-Collector, as its duties are sufficiently known. The sub-Collector performs in his own district all the duties of the Collector under the orders of the principal Collector. The revenue of his district should be from four to eight lacs of rupees, according to the nature of the country; more where rich and populous, and less where poor and thinly inhabited. Five or six lacs of rupees will in general be the best standard: it ought not to be too high, because by giving him too much employment he would not have leisure to learn sufficiently all the village details of revenue which are so essential. It is by placing him in a district of moderate extent, and relieving him from all correspondence except with the principal Collector, that he has ample time to make himself acquainted with the details of every branch of the revenue, to obtain a thorough knowledge of the village institutions, to inquire minutely into the state of the country, and to see the effect of the assessment upon the Ryots. This useful knowledge he can acquire only in a small district; but, when he has once acquired it, he will have no difficulty in applying it upon the most extensive scale to other districts, and in managing the revenue affairs of the largest.

12. It is to the want of a sufficient degree of previous training, and to the consequent incompetency of many of our local officers, that we are chiefly to

ascribe

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ascribe the complaints of the pressure of business which have been so frequent of late years. The complaints of pressure of business of Collectors is often either not well founded, or arises from want of system in conducting it, as is obvious from its being sometimes least heard in those ryotwar districts where the details are greatest. We must not always suppose that the difficulty of getting through business is a proof of there being too much, for we shall probably on examination find that it arises from something in the nature of our Regulations, which unnecessarily impedes its progress. We may easily by injudicious rules so embarrass business as to make that which ought to be done by one person too much for three. It is useful in public as well as in private establishments to abridge labour, and much may be done in this way by method; before, therefore, we admit that more European servants are necessary in any quarter, we should ascertain whether the pressure is real or artificial, whether it originates in the nature of the business itself, or in the restraint of injudicious rules. The employing of too many European agents serves only to produce indolent habits, which reach the native establishments, and render the whole department dilatory in all its operations. Whatever be the number of agents employed the labour will be distributed to all, and each will think he has enough. The pressure of business, therefore, must be relieved, not by more European agency, but by revising our rules, and by adopting in other districts the system for the dispatch of business which is observed in the districts where it is best managed. If Government were always to furnish additional aid whenever it was called for, they would soon double their establishments.

Fort St. George, 22d January 1821. (Signed) THOMAS MUNRO.

MINUTE *of* GOVERNOR MUNRO,

Dated the 11th September 1821.

Minute of Governor Munro, 11 Sept. 1821.

As the vacancy in the Centre Division Provincial Court will enable us to reduce a Zillah Court, I propose that, in pursuance of the principle explained in my former minute on this subject, the Zillah Court of Rajahmundry be abolished, and its jurisdiction transferred to the Zillah Court of Masulipatam; that Guntoor be transferred from the jurisdiction of the Zillah Court of Masulipatam to that of Nellore, and that the northern and southern divisions of Arcot be made principal collectorates.

It is not unlikely that it may be found necessary hereafter to remove the Zillah Court of Masulipatam to Ellore, and that of Nellore to Ongole, as more centrical than their present stations; but no change ought to be made until we are sure that the advantage to be derived from it will be superior to that of having the courts in large and populous towns where they have long been. In consequence of this arrangement, several appointments are proposed.

[Here follow the names of the gentlemen appointed.]

(Signed) THOMAS MUNRO.

MINUTE *of* GOVERNOR MUNRO,

Dated the 23d November 1821.

Minute of Governor Munro, 23 Nov. 1821.

In pursuance of the plan of consolidating a portion of the Zillah Courts explained in a former minute, I recommend that the Zillah Court of Verdachellum be abolished, and that the zillah be incorporated with that of Chingleput.

[Approved, and ordered accordingly.]

(Signed) THOMAS MUNRO.

MINUTE

MINUTE *of* GOVERNOR MUNRO,

Dated the 30th November 1821.

Minute of Governor Munro, 30 Nov. 1821.

Abolition of Courts.

The death of the Third Judge, and the resignation, on the 1st of January next, of the Second Judge of the Provincial Court of the centre division, would enable us to make an immediate reduction of two zillah courts; but as so great a reduction after that which has so recently taken place might cause inconvenience to the public service, I propose to reduce only one at present, by abolishing the zillah court at Coimbatore, and transferring its jurisdiction to the zillah court at Salem. The united zillah will be extensive, but less so than Bellary, while it will be more compact. Salem is a good situation for the court, as it is the largest town in the zillah, and stands nearly in the centre of it.

(Signed) THOMAS MUNRO.

JUDICIAL LETTER *from the* COURT *of* DIRECTORS *to the* MADRAS GOVERNMENT,

Dated the 11*th April* 1826.

Judicial Letter to Madras, 11 April 1826.

1. Our last letter to you in this department was dated the 4th instant.

2. In our Revenue despatch of the 18th August 1824, we intimated our intention of communicating to you our sentiments on the abolition of zillah courts under your presidency, a subject which we deemed of the highest importance. We stated that we felt the necessity of great caution in reducing the number of tribunals, and that we thought it necessary, at our earliest notice of the measures referred to, to apprize you that we should require the fullest assurance that in those instances in which you had incorporated two original jurisdictions into one, the natives were not prevented by the great extension of the jurisdiction of the new courts from procuring justice in those courts.

3. In pursuance of the intention so expressed, we now proceed to reply to the paragraphs noticed in the margin.*

4. We remark that at various times, from the 9th February 1821 to the 7th March 1823, the zillah courts at the several stations of Ganjam, Vizagapatam, Rajamundry, Verdachellum, Coimbatore, Trichinopoly, Tinnevelly, and North Malabar, were abolished; that the Zillah Court of Guntoor, which was abolished in May 1818, has not been restored, as was proposed; that in lieu of the courts of Ganjam and Vizagapatam, one new court was established at Chicacole, and that the jurisdictions of the others were added to those of Nellore, Masulipatam, Chingleput, Salem, Combaconum, Madura, and South Malabar respectively.

5. The superficial extent of these districts is not accurately known to us, but their population, according to your latest returns, are as follows:—

Guntoor

* Letter dated 4th January 1822, par. 62; 3d January 1823, par. 31; 31st December 1823, par. 13; and 11th March 1820, par. 101.

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Former Zillahs.	Population.	United Zillahs.	Population.
Guntoor	454,754	Nellore	894,221
Nellore	439,467		
Rajamundry	738,308	Masulipatam	1,268,157
Masulipatam	529,849		
Verdachellum	455,020	Chingleput	818,149
Chingleput	363,129		
Coimbatore	638,139	Salem	1,714,184
Salem	1,075,985		
Trichinopoly	481,292	Combaconum	1,482,645
Combaconum	901,353		
Tinnevelly	564,957	Madura	1,353,153
Madura (including Shervagunge)	788,196		
North Malabar	Not known.	Malabar	907,575
South Malabar	Not known.		
Ganjam	Not known, say 350,000	Chicacole Say	1,122,570
Vizagapatam	772,570		
		Total	9,460,654

6. From the Governor's minute, recorded on the Consultations of the 9th February 1821, it appears that certain improvements in the Revenue department having been resolved on, it was deemed expedient to provide for them by abolishing some of the zillah courts which had least business, and paying the newly appointed officers out of the savings resulting from the measure. In the same minute the following passage occurs: "I should have regarded as an idle waste of "public money, the keeping up of a court, when the reduction of its business "enabled us to do it away without the smallest inconvenience to the country." And in a minute recorded on the Consultations of the 16th March 1821, speaking of the institution of district Moonsiffs, Sir Thomas Munro says: "The extension of its jurisdiction will, by relieving the Zillah Judge from a "great portion of his present business, enable us to enlarge the zillahs, and to "lessen the judicial expenditure." In another passage in the minute first quoted, the objections which it was supposed might be advanced were thus answered: "It may be objected to the proposed measure that the enlargement "of the zillahs will throw too much business upon the Zillah Judge, and will "cause considerable inconvenience to parties, and witnesses, by increasing "the distance of the court from their homes; but in answer to this, it may be "said that the distance will not be more than it is, at present, in several of the "more extensive zillahs; that the business will not be more than it now is in "the more populous zillahs, that the civil business is every day diminishing, "and will still be greatly diminished by extending the jurisdiction of the "district Moonsiffs, by which more time will be left for attending to the des-"patch of criminal business, and that the proceedings of the Circuit Judges "will be much facilitated by having fewer stations to visit."

7. Before measures of such extreme importance were decided on, we think that the local and superior judicial officers should have been required to [illegible] that the business was much diminished, and that it would be diminished still more; and on the general views contained in the Governor's minute, courts, the jurisdiction of which was before confined to a tract of country containing a population

pulation of between five and six millions, have been charged with a population of between nine and ten millions, spread over a surface more extensive by many thousand square miles than that which formerly belonged to them.

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8. We cannot recognise the propriety of considering the question of retaining or abolishing any of the zillah courts in connexion with the proposed alterations in the Revenue department. The salaries and official rank of the Judges and judicial officers may reasonably be fixed with some reference to other departments, but the existence of a court in any particular district ought to depend solely upon its necessity or expedience for the due administration of justice. The existence of zillah courts, as the principal part of the judiciary establishments at all the presidencies, is a proof that the utility of such courts is recognised by the highest authorities to which British India is subject; and with reference to the presidency of Madras, especially, we observe that a certain number of courts of this description was declared by the late Judicial Commission, in their report of the 15th October 1815, to be not only salutary and useful, but even indispensably necessary.

9. At different times petitions have been presented by great numbers of the natives (from Nellore, Guntoor, Rajahmundry, Masulipatam, and Tellicherry, and other places in Malabar), deprecating the removal of the zillah courts; and the notion of their utility is confirmed by the reports of the local officers and of the superior courts. The following extract from the proceedings of the provincial court in the western division, dated 30th May 1823, contains an account of the petitions which were presented on the occasion of the zillah court of North Malabar being abolished:—" Read a petition presented " by certain of the principal merchants and other residents of Tellicherry, " and many of the inhabitants of the Kurtinaad, Cherikal, Kavay, and Ko- " teyam Talooks, wherein, after adverting to the former petition of the mer- " chants of Tellicherry, which set forth the grievous consequences that " would ensue from the two zillahs of Malabar being consolidated, and the station of the zillah court fixed at Calicut, they proceed at considerable length to notice the extreme hardships, inconvenience and loss, to which the whole community of the northern division must be exposed by the absence of those tribunals of civil and criminal justice which have hitherto always existed at Tellicherry, and the inadequacy of the Moonsiffs' courts for the " wants of the country." A corresponding petition was afterwards presented to the Government, in which the petitioners say, that their former application was signed by all the principal persons of each caste residing at Tellicherry and the other places mentioned. To the petition from Masulipatam were attached upwards of 1,700 signatures, each having a description of the person signing, under various designations of merchants, bankers, tradesmen, Zemindars, Potails, Curnums, Gomastahs, including relations of Nabobs, and the Nabob of Masulipatam. The Collector of the district, referring to this petition, says, " he was on the spot when the question regarding the removal " of the court was agitated, and he knew the sensation that it excited."

10. The great extent of the zillahs was complained of in our despatch of the 29th April 1814, as one of the evils attendant on the judicial system; and notwithstanding the relief which has been afforded to the Zillah Judges by the Regulations of 1816, and those of subsequent years, we regret to observe, that abundant proof of the miserable consequences of zillahs being too extensive is to be found on your Consultations.

11. The following remarks of the Foujdarry Adawlut on a report of one of the Judges of Circuit, relate to a district in which a zillah court was abolished several years ago. " The Third Judge adverts to the hardships to " which the inhabitants of the northern part of Canara are exposed from the " distance of the seat of the zillah court; and in the concluding part of the " paragraph declares his firm conviction that many crimes are committed " which do not come to light, from having been compounded between the " parties, or concealed altogether through the dread of the inconvenience and " loss consequent on a public prosecution. The court of Foujdarry Adawlut " consider the observations recorded by the Third Judge in this part of the " report to be particularly deserving the attention of Government. It is " obvious to remark, that the remoteness of the zillah criminal court must

" operate

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" operate as an impediment to the administration of criminal justice, tending, " as remarked by the Third Judge, to the impunity, and of course the con- " sequent increase of crimes, to the general vexation of the community, and " to the serious injury of the accused in cases of acquittal. The report of " prisoners, received on the 13th ultimo from the acting Criminal Judge in the " zillah of Canara, affords instances of delay and individual hardship in the " prosecution of criminal cases, arising from the situation of the zillah court. " In eleven cases, comprising thirty-four prisoners, it is stated that the court " is awaiting the arrival of witnesses, who, owing to the district where they " reside being distant two hundred miles, have not yet reached the zillah " station; and in another case similarly postponed, the distance of the " residence of the witnesses is stated to be two hundred and sixty miles."

12. With reference to this same district, and to the province of Malabar, many remarks, corresponding with the above, are contained in Mr. Græme's Report on Malabar; from these we extract the following: " Both in Canara and Malabar robberies and thefts are carried on to a very " great extent, but the distance of the Magistrates and Criminal Judge's courts " are much too often an insurmountable obstacle to redress. The hardship to " which parties must be subjected before they can prosecute robberies and " thefts to conviction, deter them from complaint. If the crime is of an " aggravated nature, which requires to be brought before the criminal court, " there are many who must travel from three to six hundred miles, and lose a " month on the journey, and another in the inquiry, before they can run the " gauntlet of the Magistrates, the Criminal Judges, and the circuit courts, " not to mention that the occasional postponement of trials at the circuit " court, from the non-attendance of any material witness, from neglect or " sickness, may oblige the parties to attend a second time at that court, who " may be residing at a distance of a hundred and fifty miles. Attendance on " the courts in civil causes is also productive of serious inconveniences, and it " is difficult to calculate their effects upon the profit of agriculture, commerce, " and the other various pursuits of life. They are considered as vexatious in " the extreme."

13. When this report was written, there were two zillah courts in Malabar; now there is but one.

14. The following extracts from a late report of a Judge of Circuit in the northern division, refer especially to two of the recently consolidated zillahs, which were formerly divided into four.

" The annexed statement will shew the number of cases submitted to the " court of circuit in the zillahs of Nellore and Chicacole. The first contains " thirty-one, and the other forty-three. When the magnitude of the district " over which the courts have jurisdiction is considered, the numbers may " appear insignificant; but this circumstance cannot be taken as a criterion " either of the efficiency of the police, or of the diminution of crime. Many " cases escape their utmost vigilance, and many are never brought to their " notice by the suffering party, who would rather submit to the first loss than " undergo the further loss of time and labour, which a journey to the court in " search of redress would subject him to. A Ryot residing at the extremity " of either of the above districts, would be obliged to travel four hundred " miles to and from the court; and if the case were committed for trial before " the court of circuit, double the distance. He knows the batta allowed him is " inadequate to his expenses; he knows he must be a long time absent from his " family, that in the mean time his farm will be neglected, and that the Collec- " tor will press him if his kist be not paid; he therefore does not complain. I " was told on the last circuit by a very intelligent native, that many cases had " occurred wherein property had been discovered, and the owners of it known, " but who denied it belonged to them; because they dreaded the length of the " journey to the court. If the great distance should deter an injured person " from seeking redress who has some motive for bringing offenders to punish- " ment, it must press much harder upon those who are compelled to attend " the court as witnesses. They have nothing to gain, and are exposed to all " the loss and inconvenience I have above enumerated; the consequence is, " that they frequently not only withhold the information in their power, but

" obstinately

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" obstinately plead ignorance of the transaction. This becomes soon known " to the different gangs of plunderers, who extend their depredations, con- " vinced of the little risk they run of being punished. In No. 1 of the " Chicacole Calendar, a hundred and twenty-nine Ryots made three different " journeys from Aska and Goomsoor to the zillah court, the total of which, " at a very moderate computation, would amount to nearly a thousand miles."

15. In the correspondence respecting the zillah court of Guntoor, which was abolished in 1808, restored in 1814, again abolished in 1818, and recommended to be again restored, the extreme inconvenience suffered by the people from the distance of the zillah court from their homes was repeatedly brought to the notice of Government by the Collector, the Board of Revenue, and the Foujdarry Adawlut. Similar representations were made to the Government in 1822 and 1823 by the Magistrate of the district and by the Circuit Judges.

16. The extension of the jurisdiction of the district Moonsiffs (under Regulation II of 1821) will doubtless send to the Moonsiff's courts, in the first instance, some suits which must otherwise have gone first to the Zillah Judge. But we conceive that in proportion as this measure may diminish the business of the Zillah Judge, it will add to the importance of his court, as the only available resource against the evils of undue partiality or error in the decisions of the inferior courts. It was, indeed, observed by the Judicial Commissioners, in their report dated 15th October 1818, that " if not a single suit were to " come before the zillah courts, they would still be of most essential use to " the country, as courts of appeal and criminal courts; and still more " perhaps by the salutary check which they would maintain over the district " and village Moonsiffs, by which they would compel them to perform pro- " perly those subordinate judicial duties which can by no other agents be so " conveniently discharged."

17. Although by the extension of the Register's jurisdiction from cases of 500 rupees to those of 1,000, a further relief appears to be given to the Zillah Judges, it is to be observed, that cases of this description were not numerous. The whole of the original suits decided by the Zillah Judges in 1820 amounted to no more than 977, in which the value of the property disposed of was Rupees 6,16,290, the average of the suits therefore must have been about Rupees 641; and as the jurisdiction of the Judges extended as far as Rupees 5,000, it is plain that there must have been among the 977 suits many of a value below 500 rupees. But whatever their numbers might have been, the remainder certainly did not occupy much of the Judge's time; for on referring to a return of the original suits decided on trial (excluding those settled by razaunamah, or dismissed for default), it is seen that, in the said year, eighteen of the twenty Zillah Judges decided fewer suits than five in a month, and ten of these decided fewer than two in a month. An examination of the returns of other years will give a similar result of the suits instituted in a zillah court: the Judge reserves but few to himself, the rest he refers to the Register and Sudder Aumeens; and the time devoted by him to the trial of causes, inconsiderable as it was, might no doubt at any time have been still further reduced by referring more of those suits. It may be inferred that most of the suits brought into the zillah courts might, if the applicants had thought fit, have been taken at once to the district Moonsiffs; for, although the jurisdiction of these officers extended to suits of the value of 200 rupees, and has latterly been enlarged to those of 500, the average amount of suits instituted in the zillah courts scarcely exceeds Rupees 175, and of these more than two-thirds (the average amount of which is about 65 rupees) are referred to the Sudder Aumeens. The abolition of a zillah court carries with it, of course, the abolition of the courts of the Register and Sudder Aumeens.

18. The persons who suffer directly from the business of these tribunals being increased, or from the station of them being removed farther from their homes, are, in criminal matters, those who as parties or witnesses must attend the Criminal Judge at his station, whether in cases subject to his own cognizance or in those belonging to the court of circuit, the former including all cases in which the offender may, in the estimation of the Magistrates and his

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his subordinates, be deserving of more severe punishment than they are authorized to inflict; the latter, those in which the offender is to be tried by the court of circuit, and those in which the court have required the attendance of individuals, whether on investigation of matters connected with cases of persons punished or discharged by the Magistrates, or on account of other business, regarding which application may have been made to the court.

19. In the department of civil justice, the persons who suffer directly are those who are obliged to resort to the courts of the Sudder Aumeen, Register, or Zillah Judge, whether as applicants, defendants, or witnesses, and those who (not being compelled to go in person) have the alternative of employing Vakeels or other agents. The suitors, in many cases, and the witnesses in almost all, must attend personally in original suits, in which the property sued for is from 500 to 5,000 rupees value, in appeals or complaints against the decisions of village Moonsiffs, district Moonsiffs, village Punchayets, district Punchayets, Sudder Aumeens, and Registers; in all applications for enforcing decrees passed by the Zillah Judge, Register, or Sudder Aumeen; in all miscellaneous petitions; in all pauper cases where the amount sued for exceeds 10 rupees value of personal property; in all pauper cases whatever of real property, and in those cases in which the plaintiff has chosen to make his application to the Zillah Judge in preference to any other competent authority. In criminal cases, the attendants on the courts may not be so numerous as they would have been under the old Regulations, but in civil cases their number must be very great. In the last seven years more than 60,000 suits, original and appealed, have been disposed of in the courts of the Zillah Judges, Registers, and Sudder Aumeens. Of the total number of miscellaneous petitions presented to the Zillah Judges, we have no information; but we know that in one zillah 598 of them were presented in six months, in another 782, in another 1,037. The proceedings to which these references give rise must in many cases be important, and must require the attendance of many individuals.

20. Besides the direct operation of this measure upon individuals, it is a severe hardship on the members of a great community to be deprived of the protection of their chief established Court of Justice, and to be made over to another court which is, perhaps, from fifty to one hundred miles farther from the homes of many of them, and already charged with a jurisdiction of several thousand square miles, and a population of half a million of souls. When, in consequence of a change like this, access to justice becomes very difficult, crimes are winked at or compromised, prosecutions are prevented, information is suppressed, and acts of fraud and violence, scarcely less terrible to the community in their commission than in their discovery and its consequences, must necessarily increase, although the Government may not be aware of the sufferings of the people.

21. Nor is the usefulness of the courts to be measured by mere files of cases; it can only be estimated from the effects they produce, by the silent and unseen operation of the law which they are believed to administer. The number of suits in a district may be diminished, and the necessity of a court for the protection of the people be more urgent than ever. The mere presence of an effective court of justice places a restraint upon the evil dispositions of men. Remove that restraint, and all sorts of bad passions and propensities, the fertile sources of violence and fraud, of crimes and of law-suits, are let loose upon the community, and generate disorder to an extent far beyond the reach of calculation. It is for the prevention of such disorder that courts are instituted, and every new cause of grievance existing in a country is an additional reason for making justice more accessible to the people, for multiplying and improving courts, certainly not for destroying them.

22. The importance of zillah courts, as a salutary check upon the village and district Moonsiffs was, as has already been remarked, recognised by the late Judicial Commission in their report of 15th October 1818. The village Moonsiffs, who are appointed without selection, and are judges only because they are collectors of revenue, receive and decide suits of small amount without appeal, and without recording the evidence; they are subject to great temptations, which too many of their class are unable to resist, they are vested with much uncontrolled power in the criminal as well as in the civil department, and

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and their numbers being estimated at 50,000, they may practice injustice very extensively. The fear of exposure and of prosecution in the zillah court must serve as a useful check upon them, and their opportunities of abusing their power must be materially increased by the abolition of those courts. The presence of a zillah court is also of great importance for superintending the district Moonsiffs. It has been before remarked that, in 1821, Government extended their jurisdiction from two hundred to five hundred rupees. As a ground for this measure the propriety of their proceedings was asserted; it was said that they had decided a great number of suits, and that very few appeals had been made against their decisions. We find that in 1820 the district Moonsiffs decided 45,584 suits. In the same year 837 appeals were instituted against their decisions. That is at the rate of one appeal for 53 $\frac{433}{837}$ suits decided. But this view is delusive. A small proportion of appeals affords no adequate test of the goodness of the original decisions: 1st, because many suitors who have a right of appeal are precluded by expense and other obstacles from using it; and 2d, because a vast number of the suits which come before the district Moonsiffs are absolutely excluded from appeal. In 1820 there were instituted before the district Moonsiffs 45,815 suits, in which the property litigated amounted to Rupees 13,60,465, the average being only Rupees 29 $\frac{31830}{45815}$, although their jurisdiction extended as far as two hundred. Hence it is evident that a large proportion of the suits must have been for property not exceeding twenty rupees value, and such suits are by the Regulations not appealable. Referring, however, to the number of their decisions in cases above twenty rupees which are reversed in appeal, it may be apprehended that their proceedings are defective; and if such be the character of the controlled part of their proceedings, it is to be feared that the uncontrolled part may be much worse. The mass of the litigation of the country is in their hands. In seven years from the time of their institution they have decided above 370,000 suits, the chief part of which must have been for property of small amount. When men are permitted to exercise such extensive judicial functions without appeal, without recording the evidence, and in the absence of every effective security of publicity or superintendence of whatever description, it is evident that every obstacle opposed to appeals from their decisions, and to the complaints of persons aggrieved by their negligence or misconduct, serves to encourage such misconduct and to debase their proceedings; and it is of the utmost consequence, therefore, for the superintendence and control of the district Moonsiffs, that the efficiency of the zillah courts should be maintained.

23. The Revenue officers under the Madras Government are vested with very extensive unchecked authority in the department of the Magistracy, including a considerable part of the administration of the penal law. They alone are competent to receive criminal charges against natives in the first instance, and many of their proceedings are unrecorded and exempt from control. Acts of great atrocity may be practised by the native officers, and the proceedings of Magistrates and Assistants may be arbitrary and injurious without any probability of their authors being called to an account. Instances of such misconduct may be occasionally brought to light, and orders suited to the occasion may in consequence be given. But it is essential to good government that the people should not be left to a casual and uncertain protection: against a power so dangerous and liable to abuse, the best attainable safeguards should be established. The only way in which any abuse of power on the part of the officers of police can be subjected to exposure, and the evidence of their misconduct placed on record, is by a civil action in the Zillah Court, unless the party aggrieved should submit his complaint to the Magistrate who has the power of inflicting a punishment in such cases, under Regulation II of 1816, Section 44.

24. He who can exercise any sort of uncontrolled authority, however small its amount may be in any particular case, if he can inflict one stripe or one day's imprisonment, or fine one rupee, without being accountable for his proceedings, has in effect a power almost despotic over those persons who are subject to him. Moreover, the exclusive privilege of receiving criminal charges carries with it a power not less dangerous than that of inflicting punishment, namely, a power to exempt individuals from the penalties of the law.

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25. The abolition of zillah courts increases the probability of abuse, not only by removing to a distance those tribunals which, by their power to award damages to the injured parties must have afforded some check upon the illegal acts of the officers of police; but also by extending the degree of oppression, which in the exercise of their lawful authority those officers are enabled to inflict. An illustration of this remark may be seen in a report made to Government by the Foujdarry Adawlut, when the Rajahmundry court was abolished. The Foujdarry Adawlut objected to the removal of the prisoners from Rajahmundy to Masulipatam, on the ground of the opinion of a medical officer, which was as follows:—" It is an incontrovertible fact, that persons " of whatever description being suddenly removed from the vicinity of the " hills to a coast situation, would be very generally attacked with fever, flux, " or dropsy; either of which complaints must be considered as threatening " to life." The report concluded as follows:—" this medical opinion, corro- " borated as it is by the experience of the court of Foujdarry Adawlut, on " the occasion referred to in my letter of the 5th ultimo, induces the Judges " respectfully to bring under the notice of the Honourable the Governor in " Council the situation of those persons who are now sent by the police " officers from the hilly parts of Rajahmundy to the criminal Judge at Masu- " lipatam. When the cases of such persons may be disposed of by the " Criminal Judge, their imprisonment at Masulipatam may frequently be " tantamount to a sentence of death, while the shortness of the term would " render their removal to the nearest inland zillah station a severe aggravation " of their punishment; and in cases of commitment for trial before the court " of quarterly sessions, the lives of many may be forfeited before they are " convicted of any crimes." The power thus indirectly vested in these officers seems sufficient to subject the whole community to their will: although the full extent to which this power is exercised is not known to us, remark- able instances of it are sometimes brought to our notice. " I perfectly " recollect," says a Circuit Judge, " a case transmitted to Masulipatam by the " police officer at Toonypyharenpettah, a distance of two hundred miles, " wherein two cultivators were actually taken from their plough to attest " confessions made in the presence of a number of Brahmins and others, " who had interest enough to escape the journey."

26. The urgent necessity which exists for providing some efficient protec- tion to the people against the police officers, may be seen from many of the reports of the Judges of Circuit and of the Foujdarry Adawlut. From one of the former we have extracted the following statement:—" Most of the acquittals were of persons against whom there was no direct or circum- stantial evidence, or any other than their alleged confessions before the police officers, and those either not attested according to law, or, I regret to say, obtained by means the most unjustifiable. One prisoner still bore on his person marks of great violence he had received from the Peishcar " of Kulleah: another had died since his committal, who, there was every " reason to suppose, had met with similar ill-treatment, and both had been " kept in confinement for a period of nearly three months before being for- " warded to the Criminal Judge."—" Of the two prisoners in the two cases " of highway robbery accompanied with violence, one had died, and the other " was acquitted in consequence of his confessional declaration having been " extorted by violence, and in the absence of any collateral evidence what- " ever in support of the allegations contained in that document."—" In " three of the cases of theft containing ten prisoners, the only evidence " forthcoming was also their alleged confessions before the police officer, " but which had been so irregularly taken as to be undeserving of the smallest " weight against the prisoners, who were released accordingly. One of these " confessional declarations contained two examinations; in the first of which " the prisoner denied the charge, in the second he appears to have acknow- " ledged his guilt; but the former only bore the signature of the attesting " witnesses, one of whom had died, and the other, in his evidence before " the court, declared he was not present during either of those examinations." —On these cases the remarks of the Foujdarry Adawlut were as follows:— " The endeavours of the court of Foujdarry Adawlut have long been fruit-

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" lessly directed to the enforcement of the provision contained in section " 27, Regulation XI of 1816, which requires that prisoners shall be for- " warded by the heads of district police to the Criminal Judge within forty- " eight hours, if possible. The practice, which the court regrets to find still " universally prevalent, of detaining persons in custody for weeks and even " months before their transmission to the criminal court, offers opportunity " which might not otherwise be found of resorting to the atrocious abuses of " authority here referred to: and the court of Foujdarry Adawlut do not " see any probability of an amelioration of the conduct of the police officers " in these respects, unless the exertions of the Magistrates are more stre- " nuously directed to the enforcement of the provisions of the law, and " abuses of authority when discovered are invariably visited with adequate " punishment. In the case to which the Third Judge more particularly refers " in paragraph 10, the court of Foujdarry Adawlut are of opinion, that the " Peshcar and his abettors should have been brought to trial before the court " of circuit, under the provisions of Regulation III of 1819."

27. In another circuit report, the Judge, after remarking on the execution of a police officer for murdering a man in endeavouring to extort from him a confession of robbery, says, " At the late sessions, in cases of confessions " alleged to have been given before the police-officers, there was scarcely " one in which the prisoners did not declare that they had been beaten and " compelled to confess, and in several cases there appeared too much reason " to believe that compulsion had actually been used for the purpose alluded " to." From the proceedings of the Foujdarry Adawlut on many cases brought to their notice by the Judges of Circuit, it is apparent that abuses like these are very general. Their remarks on one of the reports are as follows: " It is manifest, as was observed by the Third Judge on his reference " to the case alluded to in this part of the report, that the inadequate supply " of food may be made the means of extorting confession: and cases have " been brought before the court in which there is too much reason to believe " that such had been the fact. The court would willingly hope that the " instances of such flagrant abuse of power on the part of native officers are " very rare: but they deem it proper to call the attention of the Magistrates " generally to the importance of taking the most effectual measures for ascer- " taining that prisoners who, by the periodical reports laid before the court " of Foujdarry Adawlut, are shewn to be universally detained in the custody " of these officers for weeks, and even months, previously to their transmission " to the Criminal Judge, are adequately supplied with food: and in order to " this it is manifestly necessary that the falsification of dates of apprehension " should, by the most vigorous measures, be suppressed, since when the term " of a prisoner's detention is incorrectly reported correct returns of the " allowance for his subsistence must be out of the question."

28. It is also stated by the Foujdarry Adawlut, that the imposition of false dates of apprehension and examination upon the criminal courts by the native heads of police has become a general practice, and that the attention of the Magistrates has in vain been directed by circular orders and orders on particular cases to the necessity of using every means in their power for its suppression. On another occasion, the Foujdarry Adawlut advert to the leniency of the Magistrates towards native police officers in cases of miscon- duct, even when frequently repeated by the same officer, and they add "its " effects are universally perceptible." In a circuit report before quoted, the frequency of abuses by native officers of police, and some of peculiar atrocity, are noticed as follow: — " The case of severe ill-treatment (No. 10) was fully " brought home to the prisoners. They were both men of property and " consideration, and one of them was the Potail of that part of the country. " They were both sentenced to two years imprisonment and hard labour, and " to pay a fine of 200 rupees each, and on failure thereof to two years further " imprisonment. The case was as follows:—The prosecutor, Dassoo, was " attending a fair at the Sooral Devastan, when he was taken up by the Teh- " sildar's orders on suspicion of being implicated in four robberies recently " committed in the Barkoor talook, but protesting his innocence he was " made over to the Potail, with orders to take him with him and endeavour " to make him confess. Dassoo was accordingly taken to the Potail's place of

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" abode, and there detained eight days, during which every species of torture " familiar to the natives of Canara was resorted to; but Dassoo persisted in his " innocence, and at length was sent back to the Tehsildar, who, after detain- " ing him a period of twenty days forwarded him to the Criminal Judge. " The following extract from the report of the zillah surgeon will give a " correct idea of what this unfortunate man's condition was on his arrival at " the zillah station, and of the irreparable injury he had sustained in his " person. He says Dassoo was admitted into the hospital on the 16th May " 1822, with two very deep, foul, and extensive ulcers on his wrists and " hands, and a great many smaller ones extending from the wrists to near " the shoulders in a spiral direction, attended with high inflammatory symp- " toms; he had also a good deal of fever about him caused by the acute pain " he suffered from the state of the ulcers, and also complained of severe pain " in his lower extremities from bruises which he had received. On inquiry " into how the ulcers were caused, he stated that his wrists were placed be- " tween two pieces of wood, which were repeatedly squeezed together with great " force, and that a rough rope, charged with powdered chillies and mustard- " seed, and moistened with a solution of salt, was very tightly bound round " his arms, and which were kept on until his arms had swollen to about four " times their natural size, and that after the ropes were taken off the ulcers " broke out in the state I then saw them. He remained under my charge " from the above date throughout the month of June and until the 5th of " July, during which period he suffered at times the most excruciating pain, " and I was fearful at one time that amputation of the right fore arm would " have been necessary, from the deep-seated sloughing and great prostration " of strength that took place; he however fortunately escaped the operation, " and was discharged from the hospital in a crippled state, without any " prospect of ever recovering the full use of his hands. The First Judge has " in his report of his last circuit noticed six cases of torturing and using " violence to extort confessions, and expressed his opinion that it was a " crime of too common occurrence in Canara, even on the part of the officers " of Government, though extremely difficult to procure evidence for their " conviction. The present case furnished a striking example of the justice " of these observations, and in my paragraph 10 I have mentioned that I " had been obliged to punish five police officers for prevarication in their " evidence regarding some confessions they had attested as a proof of the diffi- " culty in getting at the truth where police officers abuse their authority. " One of these Peons in the course of his examination stated, that though he " had put his signature to the paper, in point of fact he was not present at " the time the prisoner gave his deposition, nor did he know when it was " taken, and that the Peishcar had threatened to dismiss him if he refused " to sign it, and go and give his evidence before the court of circuit. I am " concerned to report, also, that the employment of police Peons as attesting " witnesses were not the only instances I had occasion to observe of the little " regard paid by the head police-officers to the orders passed from time to " time, for their guidance, by the court of Foujdarry Adawlut. In the course " of this report I have mentioned several instances of oppressions and irre- " gularities on the part of the police-officers, and especially the disregard " shewn by them to orders issued for their guidance by the court of Foujdarry " Adawlut; there is not a session that the attention of the Magistrates, both " in Canara and Malabar, is not called to abuses of authority on the part of " their servants, and it is not uncommon that the same police-officer is the " subject of the court's animadversions: all which I see no other mode of " accounting for, than in the leniency with which such aberrations of public " duty are noticed by their immediate superiors." The torturing of prisoners for the purpose of extorting from them confessions of crimes appears to be common in Canara; it is spoken of by the Foujdarry Adawlut as an offence of acknowledged prevalence in that zillah. Extreme cruelties have been practised on prisoners in Malabar, as detailed in the following extract from a report of one of the Circuit Judges: " The various acts of oppression and " abuses of power similar to, and indeed in many instances equal in atrocity " to the acts charged against the Parbutty and Kolkars of the Wuttun Hobity " which have come to light during the late circuit, as well in the course of " the trials (one of which is the prosecution of the Parbutty and Kolkars of

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"the Turdoaaugoor Hobity, in Koormnad talook, for the murder of the "nephew of a revenue defaulter), as in the Magistrate's and Assistant Magis- "trate's calendars of persons punished and discharged by them, show the pre- "valence of this practice to such an extent as to call for the interference of the "court of circuit, since there is hardly a case wherein the sufferers who have "had courage, or been in circumstances to enable them to complain against "their oppressors, have met with redress of their grievances, and the "accused have not been sent back to the situations they have so grossly "abused, and thereby encouraged to renew their excesses by the facility "they experience in escaping justice. The charges set forth in these com- "plaints are for seizing and carrying bound the inhabitants from their homes "to the Parbutty Sheristadar or other Revenue officers, either at their houses "or cutcherries, and there confining them in stocks without food, tying, by "means of ropes, or by the fibres of cocoa-nut trees or of the Adomba vine, "their neck and feet together, and in this posture laying stones upon their "backs, flogging, kicking, and beating them with their fists, making them "stand in water or mud exposed to the heat or inclemency of the weather, "making them stand upon one leg, and in that position placing upon their "heads a large log of wood, also breaking open their houses and carrying off "and selling their property, and even slaves, without due proclamation being "made thereof; and all these acts of torture and personal violence to exact "payment of alleged revenue arrears, and in some instances of presents of "money under the head of koori kallyanam and chitfanam, and alleged debts "from one individual to another, without authority from any local tribunal. "In most of these complaints the Judge on Circuit has, after much labour, read "through the Magistrate's or his Assistant's proceedings, and has been truly "concerned to find that all, with hardly an exception, have been dismissed "as not proved or groundless, although the evidence in most has been such "as to leave not a doubt that considerable personal violence had been done "by the Parbutties and their Kolkars to the complainants, and in most cases "to an extent to require that the accused should have been sent to the "Criminal Judge, for him to try or to commit for trial before the court of "circuit, according as the facts deposed before him might seem to render "necessary."

29. Although we are satisfied that considerable progress has been made by your Government in fixing and equalizing the rates of the public assessment, with the view of conferring upon the Ryots a permanent interest in their lands, yet we are induced to draw your attention to the state of the people under the Madras Presidency, as described by the Board of Revenue in their proceedings dated the 27th November 1820, in order that you may call upon the Revenue authorities to shew in what degree and to what part of your territories the opinion of the Board can still be considered to apply. In that report, the Board observe that they "are assured, not only from the reports "from officers deputed to inquire into complaints in the provinces, but from "other unquestionable sources of information, that the great body of the "Ryots is not in that state of ease and security in which the justice and "policy of the British Government mean to place them. In general the Ryots "submit to oppression, and pay what is demanded from them by any person "in power, rather than have recourse to the tedious, expensive, and uncertain "process of a law-suit. The cases in which they are sufferers are so numerous, "various, intricate, and technical; they and their witnesses are so far from the "seats of the courts of judicature, delays are so ruinous to them, they are so "poor, so averse to forms, new institutions and intricate modes of procedure; "they are so timid and so simple a race, that it is necessary for the Govern- "ment to endeavour to protect them by a summary and efficacious judicial "process." This statement has produced on our minds a strong impression of disappointment and regret.

The alterations which, in 1814, we directed to be made in the Judicial system were certainly intended to divest the judicature of all useless forms, charges, and other inconveniences to suitors and witnesses, and to bring justice to the doors of the people; but it seems that up to the end of 1820 our endeavours to afford protection against oppression had not been successful.

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30. The account given by the Board of Revenue appears to be confirmed to some extent by the circumstances referred to in the minutes of the Governor and Mr. Fullerton, respecting the affairs of Salem and Coimbatore; and from some of the results of the operation of the criminal law, as exhibited in the half-yearly reports of the Foujdarry Adawlut to 30th June 1823, another confirmation of the account must, we fear, be inferred.

31. Having thus adverted to the very unfavourable representations which we have found on your records with respect to the practical operation of the Judicial and police systems, as modified by the Regulations of 1816 and of subsequent years, and to the effects which are likely to result from the abolition of zillah courts on the administration of civil and criminal justice, we have to call your attention to some suggestions which appear to us calculated to remove the inconveniences which have been experienced.

32. On Mr. Gregory's appointment to the new zillah of Chicacole, he represented to you that the duties which would be thrown upon the zillah court would be so heavy as to create great delay in the decision of suits, and he suggested that two extra Registers (besides the Register stationed at the zillah court) should be attached to the zillah, and placed at stations to the north and south of the zillah court station. You did not, however, think it expedient to enter into a consideration of Mr. Gregory's plan, but informed him that it was your intention to extend the jurisdiction of the Sudder Aumeens and district Moonsiffs, and in other respects to relieve the Zillah Judges from a part of the duties with which they were then charged.

33. We appreciate highly that part of the arrangement which, in his minute of 22d January, 1821, Sir Thomas Munro recommended for improving the efficiency of the Revenue branch of the service, by employing principal and sub-Collectors, increasing the rank and emoluments of the former class of functionaries, so as secure their continuance in that line of the service, and affording them the aid of sub-Collectors, with the view of enabling the experienced superior to attend more closely to the general affairs of his district, and of securing a regular succession of qualified Revenue officers. We find that under this arrangement six Collectors have been promoted to the rank of principal Collectors, with allowances averaging in amount what is assigned to a second and to a third Provincial Judge; and that eight sub-Collectors have been attached to the largest districts with salaries of 14,000 rupees each per annum.

34. In the Judicial branch of the service, the number of important situations still greatly exceeds that in the Revenue branch, and it may be apprehended that the civil servants will still endeavour to procure employment in the Judicial department; but as it may not be practicable to equalize the advantages in the two branches, we must be satisfied with such an arrangement as may secure a fair share of the general talent to be found in our civil servants to both departments.

35. We fear that the efficiency of the zillah courts must have been greatly weakened by the large extension of their jurisdiction; and it is obvious that many of the evils and inconveniences which led us, in 1814, to provide methods of obtaining justice without a resort to these courts, are greatly aggravated by the reduction of those courts in number. These evils might be removed by their entire abolition under some new arrangement for the administration of justice, or by a great increase in their number, but the intermediate course of leaving the jurisdiction and weakening the judicatory is precisely that which tends most to the difficulties and delays, and consequent denial of justice, which we deplored in 1814.

36. It is worthy of consideration whether Mr. Gregory's suggestion may not be adopted, with the double view of bringing the European judicatory nearer to the homes of the people, and introducing a class of functionaries into the Judicial department similar to that appointed to the Revenue department. It cannot be doubted that a system of training is as necessary in the one line of the service as in the other; and that a Judicial officer may, under the directions of the Zillah Judge, be successfully employed in a district of moderate

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moderate extent, and thus gradually qualify himself for the duties of the largest. It might therefore be proper that in every large zillah an Assistant Civil and Criminal Judge should be appointed, under such powers and such limitations as may be deemed advisable, and stationed at such part of the zillah as is most remote from the zillah court, or, on account of the natural difficulties of the country, is least under the control of the Zillah Judge. All vacancies in the zillah courts would be supplied from the list of Assistant Judges, and thus a regular succession of experienced functionaries would be secured in the Judicial, as well as the Revenue departments.

37. If you should see no practical objection to the adoption of this arrangement, you will afford the Assistant Judge every necessary facility for conducting the business of his court, by attaching to it an establishment of native Judicial officers. These, in the first instance, would no doubt be supplied from the most deserving of the native officers, who have been deprived of employment by the reduction of the zillah courts in those parts of the country where Assistant Judges may be stationed; but we think that all future vacancies in the principal situations in the Assistant Judge's establishment should be supplied from the list of district Moonsiffs in the zillah where the vacancy may occur. The rank of the Assistant Judge's principal native officers should be below the principal native officers of the Zillah Judge, and their allowances should range between those of the latter officers and those of the district Moonsiffs; our object being to secure a regular line of promotion to the native, as well as the European officers employed in the internal administration of the country, with a clear understanding, however, that meritorious conduct should alone entitle any individual to succeed to the superior situation.

38. Another mode has occurred to us of lessening the inconveniences which must arise from the reduction of the number of zillah courts. If the Zillah Judges, instead of holding their courts always at the Sudder stations, were to hold alternate sessions at different places within their zillahs, justice might be brought still nearer to the people than before the reduction of the courts. The Judges would moreover be enabled to exercise a much more effectual control over the proceedings, and acquire a more intimate knowledge of the characters and conduct of the district Moonsiffs than is possible while they remain stationary. It also occurs to us that the Judges might assemble the Moonsiffs attached to the districts included in the portion of the zillah in which the session is held, and that they might select one or more of the more respectable and intelligent members of that body to officiate in the character of Aumeens of the court during the continuance of the sessions, by which arrangement considerable inconvenience would be obviated in reducing the number of followers to be attached to the Judges during the progress of their circuit, and the district Moonsiffs would at the same time receive a useful lesson under the eye of the Judges, as to the most approved mode of investigating and deciding civil suits. The records of the suits decided by the Judges or the officiating Aumeens on circuit would, we think, be most conveniently deposited with the senior district Moonsiff, who might be employed to perform the functions of Aumeen.

39. The occasional circuits of the Zillah Judges would enable them to acquire an intimate knowledge of the state of the police within their respective zillahs, and they would have it in their power to furnish the fullest information to the Magistrate and the provincial courts upon the subject of any complaints which might be brought against the police officers for an irregular and improper exercise of their functions.

40. While the Zillah Judges are on circuit, the duties of their office at the Sudder station would necessarily be confided to the Registers, who would, of course, be empowered to officiate as Assistant Judges during the absence of their principals.

41. On this suggestion, we also wish to have your unreserved opinion. You are at liberty to act upon it, either generally or partially, if it shall appear to you to be free from material objection.

42. We agree with you in attaching high importance to the office of district Moonsiffs, and are most desirous to promote the utility and efficiency of that valuable class.

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43. We are aware that the Judicial Commissioners were of opinion, that it was essential that the district Moonsiffs should be influenced by motives of immediate gain in despatching the business before their courts; and hence their emoluments were made to consist partly of a fixed salary, and partly of fees of one anna in the rupee on the institution of suits. This arrangement may have in some respects effected the objects it had in view, but we are apprehensive that it may have conduced rather to the quick despatch than the satisfactory adjustment of the business before their courts. We admit that the small number of appeals which have been made to the superior courts from the decisions of the district Moonsiffs, compared with the number of suits decided by them, is apparently well calculated to diminish this apprehension; but before confidence can be placed in the general correctness of their proceedings the number of suits appealed ought to be contrasted with the number appealable, and not, as has only been done, with the number decided. This comparison we have not the means of making, but such a test is necessary to prove the correctness of Mr. Stratton's opinion of the satisfactory character of the proceedings of the district Moonsiffs.

44. The Collector of Bellary had stated that the district Moonsiffs, by the exertion of their influence, drew into their courts suits which under the Regulations were intended to be decided by the village Moonsiffs, and with a view to prevent this inconvenience you abolished the institution fee on suits, not exceeding ten rupees value, in the courts of the district Moonsiffs. It was considered by your Government to be desirable that those suits should be decided by the village Moonsiffs; it was thought that more of them would be so settled in proportion as the delay in the courts of the district Moonsiff increased, and it was expected that the district Moonsiff, though still bound to decide such suits, would find means to put off, or to evade altogether the adjustment of them when he had others before him that yielded him fees.

45. In order to afford the people every facility of access to good judicature, we desire the establishment of numerous tribunals conveniently situated, and with all attainable securities for the right conduct of the Judge; but if obstacles are thrown in the way of suitors by preventing or deterring them from taking their causes to a proper tribunal, there is a deviation from this principle. If it is the wish of the people to take their suits to the district Moonsiffs instead of the village Moonsiffs, they should not by any means be discouraged from so doing, and the deterioration of the judicature, which must be the consequence of placing the Judge's interest in opposition to his duty, is especially to be avoided.

46. Instances of the exertions of district Moonsiffs to draw suits to their courts must no doubt have come to the knowledge of the Collector of Bellary, but we are not aware of similar statements having been made from other districts. We apprehend, moreover, that the suits influenced by such means must be very few in proportion to those occasioned by the ordinary, legitimate, and unavoidable causes of litigation.

47. If the number of suits taken to the village Moonsiffs had been materially affected by the exertions of the district Moonsiffs, the effect would have ceased with the motive which was supposed to have produced it. But since the fees on suits not exceeding ten rupees value have been abolished in the courts of the district Moonsiffs, the village Moonsiffs have had even fewer suits than before.

48. In consideration as well of the enlarged powers confided to district Moonsiffs by Regulation II of 1821 as of the desirableness of diminishing the labours of the zillah courts, we are anxious that every encouragement should be given to the district Moonsiffs, not only to dispose of the business without delay, but to weigh maturely the merits of each particular case.

49. With this view we recommend that fixed salaries should be assigned to the district Moonsiffs, which ought to exceed their former average receipts from fixed salary and institution fees. We do not, however, propose to dispense with the payment of an institution fee, but we recommend that no suit instituted in a district Moonsiff's court should be subjected to a higher fee than two and a half per cent.

50. It

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50. It may be expected that so considerable a reduction in the amount of the institution fee will bring a large addition of business into the courts of district Moonsiffs, and we are of opinion that a discretion should be lodged with the district Moonsiffs to admit pauper cases into their courts. We must therefore expect that you will find it necessary to increase the number of district Moonsiffs in each zillah, and we perceive that this measure was suggested by you as a remedy to the inconvenience which was experienced by the Zillah Judges from the additional duties thrown upon them and their Registers by Regulation VI of 1822.

51. We must leave it to your local experience to fix the number of district Moonsiffs according to the circumstances of each zillah; and in respect to the amount of their fixed allowances, we are anxious that it should be sufficient to secure the services of persons of respectability. We do not expect that the sum which may be collected from the institution fees will be sufficient to meet the additional expense, but we are satisfied that, if the measure is attended with an improvement in the administration of civil justice, the expense will be more than compensated by a decrease of charge in the department of police. We think that it will be of advantage to attach to certain districts in each zillah a higher rate of allowances, to which persons of extraordinary merit should as opportunities offer be appointed; and we recommend that at the close of the year the Judges of the provincial courts should be empowered to confer honorary rewards, in addition to their ordinary allowances, to such Sudder Aumeens and district Moonsiffs as may have discharged their duties in an exemplary manner. We are likewise of opinion that similar rewards should be given to the native head police officers, who may be reported by the Magistrates to merit the approbation of Government.

52. In respect to the criminal branch of business, we regret to observe, from the correspondence which accompanied the latest half yearly statements transmitted to us, that you are far from being satisfied with the manner in which the magisterial duties were conducted in various districts. We more particularly allude to the observations contained in Mr. Hill's letter to the Foujdarry Adawlut, dated 7th November 1823, relative to the half-yearly statement ending 30th June 1823, and we entirely approve of the tenour of your instructions on that occasion. The great diversity observable in the administration of the same laws by different Magistrates, points out the necessity for placing the proceedings of the Magistrates under the control of an authority capable of correcting so great an inconvenience.

53. The Foujdarry Adawlut have frequently reported to you the hardships and injuries which have been sustained by individuals, from the irregular exercise of authority by the native heads of police, as well as from the want of a constant control over the proceedings of the Magistrates; but we do not find that the representations of the Judges have ever seriously engaged your attention. By the 40th section of Regulation IX of 1816, the Judges on circuit are vested with a control over the recorded proceedings of Magistrates; but the same Judges, when sitting as Judges of a provincial court, cannot interfere in the administration of that practice of the criminal law which is confided to the Magistrates, their criminal judicature as Provincial Judges being strictly limited to a control over the proceedings of the Zillah Criminal Judges. It is therefore obvious that individuals who may be sentenced by the Magistrates during the periods when the Judges of the provincial courts are not on circuit, have no means of appealing against the Magistrates' proceedings, however erroneous or irregular those proceedings may have been. The Foujdarry Adawlut suggested that the Judges of the provincial courts should be vested with the same authority over the proceedings of Magistrates, as they now possess over the proceedings of the Criminal Judges; and we conceive that it is but equitable that persons who may be sentenced to punishment by Magistrates should possess the same facilities for procuring a revisal of the Magistrates' proceedings when the provincial courts are not on circuit, as persons similarly circumstanced now do during the period when those Judges are on circuit.

54. We are likewise of opinion that a salutary check against the abuse of authority, on the part of the native heads of police, would be secured by extending

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extending the right of petition to all persons who may be sentenced to punishment by those authorities. All complaints against the proceedings and decisions of native heads of police should, however, be addressed to the Magistrate or Assistant Magistrate, as might be most convenient to the petitioners: but to secure the attention of Magistrates and their Assistants, they should be required to keep a record of all the petitions which may be received complaining of the acts of the subordinate officers, and in an explanatory column to state shortly the reasons for either affirming or altering the sentence in each particular case. A copy of this record should be transmitted monthly to the provincial court, to enable the Judges to exercise a watchful superintendence over the proceedings of the police authorities.

55. In your instructions to the Foujdarry Adawlut, dated 7th November 1823, you have suggested "that the Magistrates and Criminal Judges should "be required to submit their periodical statements to the provincial courts, "accompanied by any observations which the contents of them may seem to "make necessary;" and as the course which we propose should be adopted places the control of the criminal and police proceedings of all the local authorities immediately in the hands of the Judges of the provincial courts, we should hope that it would be impossible for such a disparity as that exhibited in the half-yearly statement ending the 30th June 1823, between the adjoining districts of Coimbatore and Madura, to exist without measures being instantly adopted for remedying a misapplication, if not an abuse of authority, which you have justly described to be "a public evil of very "serious magnitude."

56. In the absence of that full information which in any case we should desire to possess, before we took upon ourselves to disapprove the proceedings of the local government, and in the present instance not without diffidence as to the correctness of our judgment when not in accordance with yours, we have thought it most prudent to suspend our final determination to intimate to you unreservedly the views which we have taken, and to desire that, after considering our doubts and the grounds of those doubts, you will as frankly report to us your sentiments respecting them; and that you will give us such further information as the subject may demand, and you may be able to afford.

57. Entirely disposed to place due reliance on your prudence, we have now only to add, that if, after reconsideration of the whole matter, the restoration of any of the abolished zillah courts should for the protection of the people be in your judgment desirable, we authorise you to restore them without waiting for further communication from us.

Answer to paragraph 11 *of Letter of* 4*th January* 1822.

58. We remark that Regulation I of 1821, which empowers the Governor in Council to establish or abolish provincial and zillah courts of judicature by an order in Council, without enacting a Regulation for that purpose, was passed without any discussion on the subject being placed on record, and that the only reason given for your not previously referring it, according to the usual course, to the Supreme Government, was that it would save time. Adverting to the important functions of the provincial and zillah courts, and to the provisions of Regulation I of 1802, and of the Act 37th George III. cap. 142, section 8, we think it necessary to direct that the establishment or abolition of those tribunals be effected as heretofore, and as at the other presidencies, by a formal Regulation. It is required by section 5, Regulation I of 1802, that in the preamble of every Regulation the reasons for enacting it shall be stated, but in the preamble of Regulation I of 1821 no reason is assigned; it is merely said that it will be convenient. We desire that the attention of the officers who prepare drafts of Regulations may be particularly directed to the rules laid down in Regulation I of 1802.

We are, &c.

London, 11th April 1826.

(Signed) C. MARJORIBANKS, G. A. ROBINSON, &c. &c. &c.

GENERAL

NERAL ABSTRACT STATEMENT *of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from July to December* 1819, *formed from the Monthly Abstract of Registers furnished by them, conformably to Section* 13, *Regulation XIII, A.D.* 1802.

COURTS.	APPEALS. Decreed.	APPEALS. Dismissed.	Tried in the first Instance. Decreed.	Tried in the first Instance. Dismissed.	TOTAL.	Amount of Property decreed. Rupees.	A.	P.
Centre Division..................	11	1	5	1	18	68,728	4	11
Northern Division..................	34	1	3	3	41	94,219	3	8
Southern Division..................	20	.	6	....	26	——		
Western Division..................	17	2	6	....	25	1,754	13	5
Total..	82	4	20	4	110	1,64,702	6	0

Sudder Adawlut,
Register's Office,
18th May 1820.

(Signed) W. OLIVER,
Register.

NERAL REPORT *on the Reports furnished by the Provincial Courts, conformably to Section* 14, *Regulation XIII, A.D.* 1802, *of Causes and Appeals remaining undecided in their Courts on the 1st January* 1820, *shewing the estimated Amount of Property in Litigation in those Courts.*

COURTS.	Appeals.	Causes under Trial in the first Instance.	TOTAL.	TOTAL preceding half yearly Report.	Amount in Litigation. Rupees.	A	P
Central Division..........................	12 ..	— ..	12	.... ..	—	—	—
Preceding half-yearly Report.	.. 11	.. 3	...	14			
Northern Division	187 ..	39 ..	226	......	15,76,780	6	11
Preceding half-yearly Report	.. 195	40	......	235			
Southern Division..........................	103 ..	14 ..	117	...	9,31,379	15	9
Preceding half-yearly Report	.. 113	.. 19	.....	132			
Western Division..........................	107 ..	15 ..	122	......	1,67,059	4	11
Preceding half-yearly Report	.. 117	.. 15	......	132			
Total.......	409 ..	68 ..	477	......	26,75,219	11	7
Total of the preceding half-yearly Report..	.. 430	.. 77	......	513			

Sudder Adawlut,
Register's Office,
18th May 1820.

(Signed) W. OLIVER,
Register.

General Abstract Statement *of Causes decided in the Zillah Courts from July to December* **1819**, *formed from Amount Value of Property held under*..

ZILLAHS.	By the JUDGE, In APPEAL from the DECISION of								By the Register, in Appeal from the Decision of the District Moonsiffs.		TRIED in the FIRST INSTANCE				Total by the Judge and Register.	By the Sudder Aumeen, from the Decision of the District Moonsiffs.	
	The Register.		The Native Commissioner.		Sudder Aumeen.		District Moonsiff.				By the Judge.		By the Register.				
	Decreed and dismissed.	Adjusted by Razeenamah.	Decreed and dismissed.	Adjusted by Razeenamah.	Decreed and dismissed.	Adjusted by Razeenamah.	Decreed and dismissed.	Adjusted by Razeenamah.	Decreed and dismissed.	Adjusted by Razeenamah.	Decreed and dismissed.	Adjusted by Razeenamah.	Decreed and dismissed.	Adjusted by Razeenamah.		Decreed and dismissed.	Adjusted by Razeenamah.
Bellary	2	..	..	..	13	1	1	..	1	1	32	..	20	2	73	..	..
Canara........................	..	..		..		..	98	..	1	..	106	..	143	24	372	1	..
Chingleput	8	..	..	..	1	..	..	..	..	..	13	3	41	10	76	..	
Chittoor........................	9	..		..	27	3	..	..	56	5	28	5	28	7	168	35	8
Combaconum........................	5	..	..		3	..	17	1	..		7	..	18		51	3	..
Cuddapah	7	1	1	..	23	2	4	1	..	13	10		61	15	138	8	..
Daraporam........................	2	..	..	..	17	1	26	1	..	..	5	..	18	1	71	..	..
Ganjam	2	..	..	..	15	1	9	..	..	..	7	4	17	13	68	..	..
Madura	2	..	..	..	2	..	9	2	..	..	12	15	15	18	75	..	..
Malabar (North)........................	..	..	..	..	1	..	..	..	..	..	22	2	9	1	35	..	..
Malabar (South)........................	..	..	..	..	3	..	9	11	..	..	67	6	12	1	109	..	..
Masulipatam	10	1	..	..	19	..	4	1	..	..	4	3	..	1	43	..	..
Nellore	..	..	..	..	..	..	..	..	..	..	20	5	24	13	62	..	..
Rajahmundry........................	2	..	..	..	11	..	3	..	..	..	76	4	51	4	151	68	3
Salem........................	9	1	..	..	21	1	..	..	26	4	13	4	25	12	116	..	..
Seringapatam........................	5	..	..	..	..	..	..	..	..	..	33	1	24	1	64	..	..
Tinnevelly	..	..	..	..	..	..	2	3	..	..	7	2	2	2	18	..	..
Trichinopoly	9	..	..	..	26	2	1	..	1	..	16	2	11	6	74	..	..
Virdachellum........................	..	..	..	..	18	1	..	..	..	..	6	3	27	10	65	..	..
Vizagapatam........................	..	..	..	..	13	..	28	..	..	..	22	7	14	5	89	..	..
Total........	72	3	1	..	213	12	211	20	85	23	506	66	560	146	1,918	115	11

Sudder Adawlut,
Register's Office,
18th May 1820.

the Monthly Abstract Registers furnished by the Zillah Judges, pursuant to Section 13, A. D. 1802; shewing also the .... Decrees passed in those Courts.

TRIED in the FIRST INSTANCE by the NATIVE COMMISSIONERS

Former Commissioner. Decreed and dismissed.	Former Commissioner. Adjusted by Razeenamah.	Sudder Aumeen. Decreed and dismissed.	Sudder Aumeen. Adjusted by Razeenamah.	District Moonsiff. Decreed and dismissed.	District Moonsiff. Adjusted by Razeenamah.	District Punchayets. Decreed and dismissed.	District Punchayets. Adjusted by Razeenamah.	Village Moonsiffs. Decreed and dismissed.	Village Moonsiffs. Adjusted by Razeenamah.	Village Punchayets. Decreed and dismissed.	Village Punchayets. Adjusted by Razeenamah.	Total.	Total Native Commissioners.	Grand Total.	Amount of Property decreed. Rupees	A.	P.	Zillahs.
..	..	292	5	3,839	4	3	..			..	..	4.113	4,113	4.216	13.110	6	0	Bellary.
..		271	68	1,065	293	5	..	627	80	31	2	2,412	2,143	2,815	32,128	11	5	Canara.
..	..	90	15	383	120	1	..	54	10	1		704	704	780	60,153	15	11	Chingleput.
	..	268	127	666	764	..	..	79	46	..	..	1,950	1,993	2,161	18,618	13	5	Chittoor.
..	..	20	6	690	217	1	..	164	18	.	..	1,146	1,146	1,200	39,867	0	2	Combaconum.
..	.	260	138	1,517	1,277	..	3	1	1		..	3,227	3,235	3,373	75,758	8	3	Cuddapah.
..	..	126	31	288	524	1	..	22	2	..	..	994	994	1,065	19,811	12	0	Daraporam.
..	..	57	21	168	143	..	..	..	..	..	..	392	392	460	13,201	10	3	Ganjam.
..	..	15	24	182	504	..	..	5		..	..	730	730	805	56,575	0	2	Madura.
..		130	28	542	209	..	..	..	..	..	.	909	909	944	45,634	4	0	Malabar (North)
..	..	58	10	864	380	..		..	..	..	..	1,312	1,312	1,421	55,077	1	8	Malabar (South)
1	..	115	50	565	1,782	1	3	135	83	..	..	2,735	2,735	2,778	68,981	11	2	Masulipatam.
..	..	23	13	206	439	2	..	....	..	..	..	683	683	745	16,065	0	8	Nellore.
..	..	103	13	581	652	..	..	..	..	..		1,349	1,420	1,571	31,654	11	0	Rajahmundry.
	.	80	34	1,094	712	..	..	439	60	12	..	2,431	2,431	2,547	47,939	2	9	Salem.
..	..	15	..	....	....	..	..	..	..	..	..	15	15	79	7,503	12	0	Seringapatam.
..	..	5	2	340	319	..	..	42	14	4	..	726	726	744	3,712	12	$14\frac{3}{16}$	Tinnevelly.
..	..	57	19	125	173	..	..	9	..	..	..	383	383	457	12,144	3	4	Trichinopoly.
..	..	19	22	168	182	..	..	224	114	..	..	729	729	794	7,778	3	11	Virdachellum.
..	..	44	8	237	273	..	..	18	6	1	3	590	590	679	49,043	12	4	Vizagapatam.
1	..	2,048	667	13,550	8,967	14	6	1,819	464	49	5	27,590	27,716	29,634	6,74,760	12	4	.. Total.

(Signed) W. OLIVER,
Register.

General Report *of the Reports furnished by the Zillah Judges, conformably to Section* **11**, *Regulation* **XIII, 1802,** *Litigation in*..

Zillahs	Before the Judge, in Appeal from the Decision of: The Register.	The Sudder Aumeens.	The District Moonsiffs.	The Village Moonsiffs.	Former Commissioners.	Before the Register, in Appeal from the Decision of the District Moonsiffs.	Under Trial, in the first Instance before: The Judge.	The Register.	Total before the Judge and Register.	Before the Sudder Aumeens, in Appeal from the Decision of the District Moonsiffs.	Under Trial, in the first instance before the Sudder Aumeens.
Bellary	—	13	—	—	—	22	26	33	94	—	91
Preceding half-yearly Report	2	15	—	—	—	8	17	18	60	—	153
Canara	85	71	169	5	8	19	92	156	605	—	23
Preceding half-yearly Report	45	34	188	—	11	10	229	230	750	—	325
Chingleput	21	22	60	—	—	—	21	31	155	—	37
Preceding half-yearly Report	24	12	36	—	—	—	17	14	103	—	37
Chittoor	19	63	4	—	—	3	48	26	163	19	114
Preceding half-yearly Report	27	77	19	—	—	33	54	15	225	34	196
Combaconum	3	2	16	—	—	—	36	14	71	2	30
Preceding half-yearly Report	5	3	12	—	—	—	33	13	66	4	18
Cuddapah	22	65	17	—	2	—	61	8	175	—	196
Preceding half-yearly Report	19	69	25	—	5	—	57	53	228	—	141
Daraporum	2	26	34	—	—	—	18	18	98	—	107
Preceding half-yearly Report	3	35	50	—	—	—	15	7	130	—	112
Ganjam	2	1	4	—	1	—	5	26	39	—	60
Preceding half-yearly Report	3	7	2		1	—	14	17	43	—	92
Madura	—	—	2	—	—	—	26	9	37	—	8
Preceding half-yearly Report	2	—	4	—	—	—	25	20	51	—	19
Malabar (North)	2	30	20	—	—	—	113	17	192	—	56
Preceding half-yearly Report	2	15	20	—	—	—	55	22	114	—	72
Malabar (South)	26	25	155	—	—	—	146	7	359	—	65
Preceding half-yearly Report	7	12	1	—	—	—	63	10	93	166	138
Masulipatam	11	34	43	—	—	10	18	50	158	—	139
Preceding half-yearly Report	18	31	29	—	—	10	4	33	125	—	64
Nellore	3	6	10	—	—	12	14	23	68	—	34
Preceding half-yearly Report	3	11	10	—	—	14	9	17	64	—	38
Rajahmundry	16	91	19	—	—	—	248	137	511	21	214
Preceding half-yearly Report	19	89	3	—	—	—	296	88	595	—	322
Salem	10	109	—	—	—	11	37	34	201	—	27
Preceding half-yearly Report	15	—	—	—	105	23	46	26	215	—	15
Seringapatam	—	—	—	—	—	—	42	—	42	—	—
Preceding half-yearly Report	—	—	—	—	—	—	64	—	64	—	—
Tinnevelly	5	—	20	—	—	—	41	10	76	—	20
Preceding half yearly Report	4	—	8	—	—	—	30	5	47	—	8
Trichinopoly	1	5	8	—	—	—	7	27	48	—	71
Preceding half-yearly Reports	9	18	9	—	—	—	12	25	73	—	44
Verdachellum	11	31	—	—	—	—	37	33	112	—	64
Preceding half-yearly Report	7	—	36	—	—	—	36	21	100	—	62
Vizagapatam	2	8	17	—	—	—	15	16	58	—	52
Preceding half-yearly Report	—	3	14	—	—		21	18	56	—	38
Total	241	602	608	5	11	77	1,043	675	3,262	42	1,624
Total preceding half-yearly Report	214	431	466	—	125	98	1,096	772	3,202	204	1,914

Sudder Adawlut, Register's Office,
18th May 1820.

of Causes depending in their Courts on the 1st January 1820; shewing also the estimated Amount of Property in those Courts.

Under TRIAL, In the first instance before the — District Moonsiffs.	District Punchayets.	Village Moonsiffs.	Village Punchayets.	Former Commissioners.	TOTAL.	TOTAL, Native Commissioners.	TOTAL preceding Half-yearly Report.	GRAND TOTAL.	AMOUNT of Property under Litigation. Rupees. A. P.	ZILLAHS.
1,468	5	—	—	—	1,564	1,564	......	1,658	44,725 5 11	Bellary.
—	—	—	—	—	153	153	213	......	....	Preceding half-yearly Report.
2,115	11	—	—	—	2,365	2,365	......	2,970	1,57,443 14 7	Canara.
82	—	—	—	—	407	407	1,157	......	....	Preceding half-yearly Report.
117	3	—	1	—	158	158	......	313	46,601 11 2	Chingleput.
87	4	1	1	—	130	130	233	......	....	Preceding half-yearly Report.
1,759	—	—	—	—	1,873	1,892	......	2,055	1,42,648 11 8	Chittoor.
1,456	—	—	—	—	1,652	1,626	1,911	......	....	Preceding half-yearly Report.
130	2	123	—	—	585	587	......	658	75,636 15 3	Combaconum.
418	3	113	—	—	582	586	652	......	....	Preceding half-yearly Report.
1,319	1	—	—	—	1,516	1,516	......	1,691	1,11,473 7 9	Cuddapah.
1,453	—	—	—	—	1,594	1,594	1,822	......	....	Preceding half-yearly Report.
663	—	—	—	—	770	770	......	868	33,831 15 6	Daraporum.
589	—	—	—	—	701	701	831	......	....	Preceding half-yearly Report.
209	—	—	—	—	269	269	......	308	21,930 2 11	Ganjam.
244	—	—	—	—	336	336	379	......	....	Preceding half-yearly Report.
551	—	—	—	—	559	559	......	596	40,877 13 1	Madura.
519	—	—	—	—	538	538	589	......	....	Preceding half-yearly Report.
1,977	—	—	—	—	2,033	2,033	......	2,225	1,00,560 1 4	Malabar (North).
1,775	—	—	—	—	1,847	1,847	1,961	......	....	Preceding half-yearly Report.
1,746	—	—	—	—	1,811	1,811	......	2,170	2,53,149 11 7	Malabar (South).
1,650	—	—	—	—	1,788	1,954	2,047	......	....	Preceding half-yearly Report.
1,923	9	—	—	9	2,080	2,080	......	2,238	89,258 14 8	Masulipatam.
1,887	9	—	—	10	1,990	1,990	2,115	......	....	Preceding half-yearly Report.
270	—	—	—	—	304	304	......	372	35,872 1 1	Nellore.
186	1	2	—	—	227	227	291	......	....	Preceding half-yearly Report.
1,196	—	18	—	—	428	1,449	......	1,960	3,48,258 7 6	Rajahmundry.
2[illegible]	—	—	—	—	324	324	919	......	....	Preceding half-yearly Report.
1,664	2	—	—	—	1,693	1,693	......	1,894	1,06,058 14 0	Salem.
1,467	2	—	—	—	1,484	1,484	1,699	......	....	Preceding half-yearly Report.
—	—	—	—	—	—	—	......	42	4,117 10 0	Seringapatam.
—	—	—	—	—	—	—	64	......	....	Preceding half yearly Report.
376	[illegible]	130	—	—	528	528	......	604	17,986 0 10	Tinnevelly.
351	2	134	—	—	495	495	542	......	....	Preceding half-yearly Report.
134	—	—	—	—	205	205	......	253	14,042 1 0	Trichinopoly.
99	—	—	—	—	143	143	216	......	....	Preceding half-yearly Report.
645	—	—	—	—	709	709	......	821	1,02,321 4 8	Verdachellum.
669	—	—	—	—	731	731	831	......	....	Preceding half-yearly Report.
486	—	[illegible]	—	—	566	566	......	624	45,023 2 9	Vizagapatam.
377	—	30	—	—	445	445	501	......	....	Preceding half-yearly Report.
19,048	35	299	1	9	21,016	21,058	......	24,320	17,91,818 7 3	.... Total.
13,341	21	280	1	10	15,569	15,771	18,973	......	....	Total preceding half-yearly Report.

(Signed) W. OLIVER, Register.

APPEALS *decided by the Court of Sudder Adawlut from the 1st July to 31st December* 1819.

Decreed or dismissed 6
Adjusted by Razeenamah 0

Total.......................... 6

Sudder Adawlut,
Register's Office,
13th March 1820.

(Signed) WILLIAM OLIVER,
Register.

NUMBER *of* APPEALS *remaining undecided in the Sudder Court on the 1st January* 1820

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Sudder Adawlut,
Register's Office,
13th March 1820.

(Signed) W. OLIVER,
Register.

GENERAL ABSTRACT *of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from 1st January to 31st December* 1819.

DIVISIONS	ZILLAHS	Number of Trials for 1818.	1819.	Total.	Number of Prisoners on whom Sentences have been passed. 1818.	1819.	Total: Death.	Transportation.	Imprisonment.	Released on Security.	Released.	Total.
Centre Division	Chittoor	..	8	8	..	28	1	5	1[illegible]	5	1	28
	Bellary		11	11	..	21	7	3	..	2	1	21
	Cuddapah..........	..	21	21	..	21	2	2	8	7	5	21
	Chingleput	..	2	2	..	6	1	2	..	..	3	6
Northern Division	Masulipatam......	..	9	9	..	24	..	9	8	3	4	24
	Nellore...........	2	3	5	16	3	1	..	5	.	13	19
	Rajahmundry	3	8	6	14	6	3	.	..	..	17	20
	Vizagapatam.......	1	..	1	1	..	..	..	1	..	..	..
	Ganjam	1	2	3	1	2	1	..	..	..	2	3
Southern Division	Trichinopoly.......	.	1	1	..	1	1	..	..	..	..	1
	Combaconum	..	3	3	.	17	4	12	..	..	1	17
	Salem	1	..	1	5	..	..	..	..	..	5	5
	Virdachellum	1	..	1	7	..	..	..	..	..	..	7
	Darapooram	..	1	1	..	13	3	10	..	..	..	13
	Tinnevelly.........	2	..	2	2	..	1	..	1	..	..	2
Western Division	South Malabar	4	4	8	17	10	14	1	2	4	6	27
	Canara.............	..	7	7	..	19	8	..	1	..	10	19
	North Malabar......	4	6	10	7	44	4	1	37	..	9	57
	Total......	19	81	100	70	218	51	45	84	21	80	293

Foujdarry Adawlut,
Register's Office,
4th February 1820.

(Signed) W. OLIVER,
Register.

GENERAL ABSTRACT STATEMENT *of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from 1st January to 30th June 1820, formed from the Monthly Abstract Registers furnished by them, conformably to Section 13, Regulation XIII, A.D. 1802; shewing also the Amount Value of Property held under Decrees passed by those Courts in original Causes.*

	APPEALS		CAUSES tried in the first Instance.		TOTAL.	Amount of Property decreed.		
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.		Rupees.	A.	P.
Centre Division..........................	7	..	..	..	7			
Northern Division..........................	51	7	5	6	69	1,24,931	1	1
Southern Division..........................	19	..	2	..	21	36,[illegible]23	1	6
Western Division..........................	9		2	1	12	43,710	8	0
Total..........	86	7	9	7	109	2,01,761	13	10

Sudder Adawlut,
Register's Office,
27th June 1821.

(Signed) W. OLIVER.
Register.

GENERAL ABSTRACT STATEMENT *of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from 1st July to 31st December 1820, formed from the Monthly Abstract Registers furnished by them, conformably to Section 13, Regulation XIII, A.D. 1802; shewing also the Amount Value of Property held under Decrees passed by those Courts in original Causes.*

	APPEALS		CAUSES tried in the first Instance.		TOTAL.	Amount of Property decreed.		
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.		Rupees.	A.	P.
Centre Division..........................	4	.	...		4			
Northern Division..........................	32	2	8		42	1,94,444	0	0
Southern Division..........................	27	2	7	..	36	5,16,928	2	2
Western Division..........................	16	2	5	..	23	10,108	7	1
Total..........	79	6	20	..	105	7,51,780	9	3

Sudder Adawlut,
Register's Office,
27th June 1821.

(Signed) W. OLIVER.
Register.

GENERAL REPORT *on the Reports furnished by the Provincial Courts, conformably to Section 11, Regulation XIII, A.D. 1802, of Causes and Appeals remaining undecided in their Courts on the 1st January 1821, shewing the estimated Amount of Property on Litigation in those Courts.*

COURTS.	APPEALS.		CAUSES under Trial in the first Instance.		TOTAL.	TOTAL preceding half-yearly Report.	Amount on Litigation.		
							Rupees.	A.	P.
Centre Division..................	18		4	..	22	.....	72,077	14	6
Preceding half-yearly report ..	..	11	..	1	....	12			
Northern Division..................	121	..	30	..	151	....	62,21,501	14	1
Preceding half-yearly report ..	..	148	..	35	....	183			
Southern Division..................	88	..	8	..	96	....	4,50,276	13	10
Preceding half-yearly report ..	..	96	..	15	....	111			
Western Division..................	92	..	11	..	103	....	1,31,771	4	7
Preceding half-yearly report ..	..	105	..	13	....	118			
Total	319		53	..	372	....	68,75,627	15	0
Total preceding half-yearly report	..	360	..	64	....	424			

Sudder Adawlut,
Register's Office,
27th June 1821.

(Signed) W. OLIVER,
Register.

General Abstract Statement *of Causes decided in the Zillah Courts, from* 1*st July to* 31*st December* 1820, *formed A.D.* 1802; *shewing also the Amount Value of*......................................

ZILLAHS.	By the JUDGE, in APPEAL from the DECISION of										By the REGISTER, in APPEAL from the DECISION of				TRIED in the First Instance by				TOTAL.	By the SUDDER AUMEEN, in Appeal from the Decision of the District Moonsiff.	
	The Register.		The Native Commissioner.		The Sudder Aumeen.		The District Moonsiff.		The Village Moonsiff.		The Sudder Aumeen.		The District Moonsiff.		The Judge.		The Register.				
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.		Decreed or dismissed.	Adjusted by Razeenamah.
Bellary....	..		..	..	12	..	5	..	..	..	..	..	..	..	48	2	.	..	67	..	.
Canara.......	3	..	..	..	19	.	31	1	5	..	..	..	10	..	38	1	64	7	179	..	..
Chingleput ...	1		..	..	3	..	..		..	..	..	..	22	.	15	3	13	8	65	39	1
Chittoor......	4	1	..	..	37	..	2	..	..	..		..	17	1	29	13	57	13	174	20	3
Combaconum..	..	..	..	.	10	..	16	3	..	.	..	..	..	..	23	2	16	.	70	..	..
Cuddapah	4	1	..	..	17	2	5	1	..	..	12	..	..	.	12	6	90	27	177	8	2
Daraporaum ..	1	..	..	..	14	..	13	..	..	.	..		..	..	6	2	12	2	50	..	
Ganjam......	4	..		..	6	..	12	..	..	..	..	..	..	..	13*	7	4	4	50	..	..
Madura......	2	..	..	..	1	..	5	..	..	.	..	..	..	..	14	31	12	13	78	..	..
Malabar (North)	2	..		..	18	..	13	..	..	..	..	..	..	..	32	4	66	6	141	..	..
Malabar (South)	..	..	..	..	6	..	22	7	..	..	..	..	12	..	33	7	11	2	100	..	.
Masulipatam ..	8	1	.	..	39	2	11	1	..	..	..	..	10	1	8	3	38	28	150	..	..
Nellore.......	2	..	..	..	2	.	5	2	..	..	.	..	1	1	4	1	28	7	53	..	..
Rajahmundry..	..	..	..	..	10	..	1	1	..		..	..	..	..	54	6	..	..	72	48	4
Salem	2	..	..	..	9	..	18	1	..	..	..	..	..	..	9	3	34	16	92	..	..
Seringapatam..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	14	..	18	..	33	.	..
Tinnevelly....	4	..	..	..	..	..	11	1	..	..	..	..	..	..	21	18	14	8	77	..	..
Trichinopoly ..	5	..	..	.	7	..	4	1	..	..	..	..	..	..	23	5	35	11	91	..	..
Virdachellum ..	4	..	..	..	7	..	8	..	..	..	..	..	..	..	6	2	5	20	52	..	..
Vizagapatam ..	1	..	..	..	2	..	14	..	..	..	..	..	..	..	3	7	14	6	47	..	..
Total....	48	3	..	..	219	4	196	19	5	..	12	..	72	3	405	123	531	178	1,818	115	10

Sudder Adawlut, Register's Office,
27th June 1821.

* Summary Suits not included in the long statement.

from the Monthly Abstract Registers furnished by the Zillah Judges, pursuant to Section 10, Regulation XIII.
.... Property held under Decrees passed in those Courts.

TRIED in the FIRST INSTANCE by																		
The former Commissioner.		The Sudder Aumeen.		The District Moonsiff.		The District Punchayet.		The Village Moonsiff.		The Village Punchayet.		Total.	Total Native Commissioners.	Grand Total.	Amount of Property Decreed.			Zillahs.
Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.				Rupees.	A.	P.	
.	..	212	5	4,087	4	1	..	.	..	.	..	4,309	4,309	4,376	78,390	15	3	Bellary.
.	..	217	41	1,876	766	3	..	723	74	22	2	3,727	3,727	3,906	1,92,909	8	6	Canara.
..	..	55	25	416	135	..	..	29	4	1	1	666	706	771	76,639	7	6	Chingleput.
..	.	226	147	789	699	.	1	142	2	2	.	2,008	2,031	2,205	1,41,259	8	10	Chittoor.
..	..	54	10	636	213	..	..	223	37	1	..	1,174	1,174	1,214	68,835	6	10	Combaconum.
..	..	269	216	1,352	1,168	..	1	12		..	1	3,019	3,029	3,206	63,726	6	9	Cuddapah.
..	..	138	18	422	715	.	1	20	6	1	..	1,321	1,321	1,371	51,111	12	10	Daraporam.
..	..	50	24	150	96	1	.	3	.	..	..	324	321	374	25,600	10	6	Ganjam.
..	..	6	8	262	469	..	..	..	..	1	.	746	746	821	49,249	8	8	Madura.
..	..	106	25	306	104	..	..	..	..	..	..	541	541	682	54,558	1	9	Malabar (North)
..	..	92	21	774	370	..	..	..	..	..	..	1,257	1,257	1,357	66,972	14	1	Malabar (South)
..	..	110	95	488	1,269	2	2	112	46	..		2,124	2,124	2,274	74,029	13	3	Masulipatam.
..	..	22	11	350	706	1	..	26	13	2	..	1,131	1,131	1,184	58,176	14	6	Nellore.
..	..	19	1	595	518	.	.	96	52	..	.	1,281	1,333	1,405	95,434	3	5	Rajahmundry.
.	..	65	29	1,053	814	1		85	13		..	2,060	2,060	2,152	39,638	2	5	Salem.
..	..	10	1	..	..	..	..	..	..	..	..	11	11	44	8,113	13	10	Seringapatam.
..	..	24	3	300	337	..	..	66	14	4	1	749	749	826	25,393	9	1	Tinnevelly.
..	..	120	15	100	152	..	..	25	8	.	..	420	420	511	44,206	4	6	Trichinopoly.
..	..	33	19	169	266	1	..	174	68	5	..	735	735	787	38,460	3	7	Virdachellum.
..	..	24	5	285	339	..	1	39	14	1	1	709	709	756	44,280	15	8	Vizagapatam.
..	..	1,852	722	14,410	9,140	10	6	1,775	351	40	6	28,312	28,437	30,255	12,97,596	5	9	.. Total.

(Signed) W. OLIVER,
Register.

GENERAL REPORT *on the Reports furnished by the Zillah Judges, conformably to Section* 11, *Regulation XIII*, 1802, *Litigation in*..

ZILLAHS.	Before the JUDGE, in APPEAL from the DECISION of					Before the Register, in Appeal from the Decision of		Under TRIAL, in the first Instance before		TOTAL before the JUDGE and REGISTER.	Before the SUDDER AUMEENS, in Appeal from the Decision of the District Moonsiffs.	Under TRIAL, in the first Instance before the Sudder Aumeen
	The Register.	The Sudder Aumeens.	The District Moonsiffs.	The Village Moonsiffs.	Former Commissioner.	The Sudder Aumeens.	The District Moonsiffs.	The Judge.	The Register.			
Bellary	—	2	11	—	—	—	18	55	57	146	—	83
Preceding half-yearly Report	—	5	6	—	—	—	2	22	52	110	—	84
Canara	135	121	206	5	—	—	50	*110	140	1,080	5	325
Preceding half-yearly Report	111	97	157	1	—	—	42	105	98	613	3	358
Chingleput	29	11	10	—	—	—	5	25	6	119	—	39
Preceding half-yearly Report	23	30	11	—	—	—	7	10	4	65	10	31
Chittoor	11	32	10	—	—	—	3	55	29	115	19	126
Preceding half-yearly Report	8	51	7	—	—	—	3	51	27	155	16	117
Combaconum	—	8	12	—	—	—	—	24	16	60	—	55
Preceding half-yearly Report	—	9	11	—	—	—	—	33	8	64	—	19
Cuddapah	19	74	5	—	—	—	—	36	60	194	—	215
Preceding half-yearly Report	20	71	6	—	—	—	—	33	63	193	—	265
Darapoorum	5	22	19	—	—	3	1	*23	23	99	—	199
Preceding half-yearly Report	2	11	19	—	—	—	12	18	20	82	—	133
Ganjam	1	3	1	—	1	—	—	23	52	81	—	33
Preceding half-yearly Report	1	3	6		1	—	—	12	31	60	—	37
Madura	—	—	5	—	—	—	—	52	14	71	—	11
Preceding half-yearly Report	—	1	1	—	—	—	—	36	10	48	—	3
Malabar (North)	22	31	33*	—	—	—	—	117	64	270	—	135
Preceding half-yearly Report	16	37	34	—	—	—		79	33	199	—	112
Malabar (South)	28	44	134	—	—	—	60	107	15	388	—	95
Preceding half-yearly Report	26	33	197	—	—	—	—	134	15	405	—	73
Masulipatam	10	18	9	—	—	—	—	19	39	95	—	105
Preceding half-yearly Report	11	38	14	—	—	—	9	13	39	124	—	113
Nellore	9	12	27	—	—	—	—	34	15	97	—	18
Preceding half-yearly Report	6	9	19	—	—	—	—	55	1	90	—	6
Rajahmundry	12	77	35	—	—	—	—	209	19	412	16	15
Preceding half-yearly Report	41	84	21	—	—	—	—	248	39	433	31	30
Salem	11	37	60	—	—	1	—	28	43	180	—	22
Preceding half-yearly Report	9	97	—	—	—	—	—	41	36	183	—	12
Seringapatam	—	—	—	—	—	—	—	41	—	41	—	—
Preceding half-yearly Report	—	—	—	—	—	—	—	41	—	41	—	—
Tinnevelly	6	2	42	—	—	—	—	43	13	106	—	21
Preceding half-yearly Report	4	1	10	—	—	—	—	29	28	102	—	15
Trichinopoly	2	5	1	—	—	—	—	18	15	41	—	41
Preceding half-yearly Report	5	6	3	—	—	—	—	12	25	51	—	61
Verdachellum	15	34	—	—	—	—	—	37	64	150	—	95
Preceding half-yearly Report	16	32	—	—	—	—	—	35	51	134	—	84
Vizagapatam	3	1	10	—	—	—	—	11	23	48	—	45
Preceding half-yearly Report	—	2	7	—	—	—	—	9	8	26	—	46
Total	351	573	633	5	1	4	120	1,397	737	3,821	40	1,708
Total preceding half-yearly Report	302	617	564	1	1	—	98	1,024	591	3,198	90	1,632

Sudder Adawlut, Register's Office, 27th June 1821.

* 331 Causes referable to the Register, Sudder Aumeens, and District Moonsiffs.

of Causes depending in their Courts on the 1st January 1821; shewing also the estimated Amount of Property in .... their Courts.

Under TRIAL, in the first Instance before: District Moonsiffs.	District Punchayets.	Village Moonsiffs.	Village Punchayets.	Former Commissioners.	TOTAL.	TOTAL Native Commissioners.	TOTAL preceding Half-yearly Report.	GRAND TOTAL.	AMOUNT of Property under Litigation. Rupees. A. P.	ZILLAHS.
1,634 ..	5 ..	— ..	— ..	— ..	1,722 ..	1,722 ..	.....	1,868	51,581 0 3½	Bellary
.. 1,835	.. 4	.. —	.. —	.. —	.. 1,923	.. 1,923	2,033	......	....	Preceding half-yearly Report
4,173 ..	10 ..	— ..	— ..	— ..	4,508 ..	1,513 .	......	5,593	4,00,181 3 7	Canara.
.. 2,697	.. 12	.. —	.. —	.. —	.. 3,067	.. 3,070	3,683	......	....	Preceding half-yearly Report.
134 ..	3 ..	— ..	1 ..	— ..	177 ..	177 ..	.....	296	45,240 14 11	Chingleput.
.. 155	.. 3	.. 1	.. 1	.. —	.. 191	.. 231	316	......	....	Preceding half-yearly Report
1,502 ..	— ..	— ..	— ..	— ..	1,628 ..	1,617 ..	......	1,790	1,52,959 6 0	Chittoor.
.. 1,582	..	.. —	.. —	.. —	.. 1,699	.. 1,715	1,870	......	....	Preceding half-yearly Report.
592 ..	1 ..	126 ..	— ..	— ..	774 ..	774 ..	......	831	62,464 3 0	Combaconum
.. 596	.. 1	.. 122	.. —	.. —	.. 768	.. 768	832	......	....	Preceding half-yearly Report
1,101 ..	1 ..	— ..	— ..	— ..	1,317 ..	1,347 ..	.....	1,541	67,002 10 0	Cuddapah.
.. 1,101	.. 1		.. —	.. —	.. 1,367	.. 1,367	1,560	......	....	Preceding half-yearly Report
1,058 ..	— ..	— ..	— ..	— ..	1,257 ..	1,257 ..	......	1,356	64,181 0 2	Darapoorum.
.. 805	.. —	.. —	.. —	.. —	.. 938	.. 938	1,020	......	....	Preceding half-yearly Report.
157 ..	2 ..	2 ..	— ..	— ..	194 ..	194 ..	......	275	40,039 13 1	Ganjam.
.. 191	.. —	.. —	.. —	.. —	.. 228	.. 228	288	......	....	Preceding half-yearly Report
435 ..	— ..	— ..	— ..	— ..	446 ..	446 ..	.....	517	32,965 10 2	Madura.
.. 574	.. —	.. —	.. —	.. —	.. 577	.. 577	625	......	....	Preceding half-yearly Report
1,778 ..	— ..	— ..	— ..	— ..	1,913 ..	1,913 .	......	2,183	1,26,759 8 11	Malabar (North)
.. 1,685	.. —	.. —	.. —	.. —	.. 1,797	.. 1,797	1,996	......	....	Preceding half-yearly Report
1,599 .	— ..	— ..	— ..	— ..	1,694 ..	1,694 .	......	2,082	2,48,275 11 5	Malabar (South).
.. 1,709	.. —	.. —	.. —	.. —	.. 1,782	.. 1,782	2,187	......	....	Preceding half-yearly Report
1,471 ..	6 ..	— ..	— ..	— ..	1,585 ..	1,585 .	......	1,680	64,332 13 0	Masulipatam.
.. 2,026	.. 9	.. —	.. —	.. 6	.. 2,154	.. 2,154	2,278	......	....	Preceding half-yearly Report.
311 ..	— ..	— ..	— ..	— ..	329 ..	329 ..	.....	426	56,975 4 4	Nellore.
.. 314	.. 1	.. —	.. —	.. —	.. 321	.. 321	411	......	....	Preceding half-yearly Report
1,100 ..	— ..	121 ..	2 ..	— ..	1,238 ..	1,254 ..	......	1,666	3,33,012 8 9	Rajahmundry.
.. 1,137	.. —	.. 88	.. —	.. —	.. 1,255	.. 1,286	1,719	......	....	Preceding half-yearly Report
1,095 ..	1 ..	— ..	— ..	— ..	1,118 ..	1,118 ..	......	1,298	90,319 9 6	Salem.
.. 1,674	.. 2	.. —	.. —	.. —	.. 1,688	.. 1,688	1,871	......	....	Preceding half-yearly Report.
— ..	— ..	— ..	— ..	— ..	— ..	— ..	......	41	7,755 8 6	Seringapatam.
.. —	.. —	.. —	.. —	.. —	.. —	.. —	41	......	....	Preceding half-yearly Report.
293 ..	2 ..	149 ..	2 ..	— ..	467 ..	467 ..	......	573	25,698 13 10½	Tinnevelly.
.. 520	.. 2	.. 149	.. 2	.. —	.. 688	.. 688	790	......	....	Preceding half-yearly Report
101 ..	— ..	— ..	— ..	— ..	145 ..	145 ..	......	186	23,974 4 5	Trichinopoly.
.. 115	.. —	.. —	.. —	.. —	.. 179	.. 179	230	......	....	Preceding half-yearly Report
544 ..	— ..	— ..	— ..	— ..	639 ..	639 ..	......	789	99,823 14 17	Verdachellum.
.. 657	.. —	.. —	.. —	.. —	.. 743	.. 743	877	......	....	Preceding half-yearly Report.
527 ..	— ..	19 ..	2 ..	— ..	593 ..	593 ..	......	641	49,830 5 11	Vizagapatam
.. 493	.. 1	.. 38	.. 1	.. —	.. 579	.. 579	605	......	....	Preceding half-yearly Report
19,611 ..	31 ..	417 ..	7 ..	— ..	21,774 ..	21,814 ..	......	25,635	20,43,374 5 3	... Total.
.. 19,868	.. 36	.. 398	.. 4	.. 6	.. 21,944	.. 22,034	25,232	......	....	Total preceding half-yearly Report.

(Signed) W. OLIVER, Register.

Appeals *decided by the Court of Sudder Adawlut, from* 1*st January to* 30*th June* 1820.

Decreed or dismissed 8

Sudder Adawlut, Register's Office, 30th September 1820.

(Signed) W. OLIVER. Register.

Appeals *decided by the Court of Sudder Adawlut from the* 1*st July to* 31*st December* 1820.

Decreed or dismissed 4

Adjusted by Razeenamah 0

Total.......................... 4

Sudder Adawlut, Register's Office, 27th June 1821.

(Signed) W. OLIVER, Register.

Number *of* Appeals *remaining undecided in the Sudder Court on the* 1*st January* 1821.

27

Sudder Adawlut, Register's Office, 27th June 1821.

(Signed) W. OLIVER, Register.

General Abstract *of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from* 1*st January to* 31*st December* 1820.

DIVISIONS.	ZILLAHS.	Number of Trials for 1819.	1820.	Total.	Number of Prisoners on whom Sentences have been passed. 1819.	1820.	Total. Death.	Transportation.	Imprisonment.	Released on Security.	Released.	Total
Centre Division.	Chittoor	4	2	6	4	2	.	.	4	.	2	6
	Bellary............	3	5	8	6	6	3	1	6	1	1	12
	Cuddapah..........	1	12	13	2	21	6	3	2	3	9	23
	Chingleput	4	..	4	5	..	2	..	2	..	1	5
Northern Division	Masulipatam	1	3	4	1	7	3	..	1	..	4	8
	Nellore............	..	8	8	..	30	4	..	7	13	6	30
	Rajahmundry	..	7	7	..	24	6	6	3	6	3	24
	Vizagapatam	1	4	5	1	11	1	2	5	..	4	12
	Ganjam	1	..	1	1	..	1	..	.	..	..	1
	Trichinopoly	..	2	2	..	10	3	..	3	4	..	10
Southern Division	Combaconum	..	1	1	.	1	1	..	..	..	..	1
	Salem	..	2	2	..	2	2	..	..	..	..	2
	Tinnevelly.........	1	1	2	2	1	..	..	1	..	..	3
	Madura	..	1	1	..	1	..	..	1	..	.	1
	Darapooram	.	2	2	..	2	..	1	..	..	1	2
Western Division	South Malabar	2	11	13	5	18	7	..	1	6	9	23
	North Malabar......	3	3	6	4	3	1	..	1	..	5	7
	Canara............	..	7	7	..	9	5	1	..	..	3	9
	Total......	21	71	92	31	148	47	14	37	33	48	179

Foujdarry Adawlut, Register's Office, 14th February 1821.

(Signed) W. OLIVER, Register.

General Abstract Statement *of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from 1st January to 30th June 1821, formed from the Monthly Abstract Registers furnished by them, conformably to Section 13, Regulation XIII, A.D. 1802; shewing also the Amount Value of Property held under Decrees passed by those Courts in original Causes.*

COURTS.	APPEALS		CAUSES tried in the first Instance.		TOTAL.	Amount of Property decreed.		
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.		Rupees.	A.	P.
Centre Division	14	2	5	..	21	98,999	13	6
Northern Division	27	4	4	5	40	3,11,062	15	3
Southern Division	10	..	2	..	12	2,03,669	4	0
Western Division	13		2	1	16	26,852	5	9
Total	64	6	13	6	89	6,40,584	6	6

Sudder Adawlut,
Register's Office,
4th Oct. 1821.

(Signed) W. OLIVER,
Register.

General Abstract Statement *of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from 1st July to 31st December 1821, formed from the Monthly Abstract Registers furnished by them, conformably to Section 13, Regulation XIII, A.D. 1802; shewing also the Amount Value of Property held under Decrees passed by those Courts in original Causes.*

COURTS.	APPEALS		CAUSES tried in the first Instance.		TOTAL.	Amount of Property decreed.		
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.		Rupees.	A.	P.
Centre Division	12	.	1	.	13	9,931	3	10
Northern Division	17	3	3	2	25	1,01,334	10	6
Southern Division	50	3	7	..	60	5,93,720	12	11
Western Division	19	1	2	.	22	22,131	15	9
Total	98	7	13	2	120	7,27,024	11	0

Sudder Adawlut,
Register's Office,
20th March 1822.

(Signed) W. OLIVER,
Register.

General Report *on the Reports furnished by the Provincial Courts, conformably to Section 14, Regulation XIII, A.D. 1802, of Causes and Appeals remaining undecided in their Courts on the 1st January 1822, shewing the estimated Amount of Property on Litigation in those Courts.*

COURTS.	APPEALS.		CAUSES under Trial in the first Instance.		TOTAL.	TOTAL preceding half-yearly Report.	Amount on Litigation.		
							Rupees.	A.	P.
Centre Division	14	.	3	..	17	....	68,942	15	0
Preceding half-yearly Report	..	17	..	3	....	20			
Northern Division	80	..	30	..	110	......	60,77,971	13	10
Preceding half-yearly Report	..	93	..	28	....	121			
Southern Division	61	..	9	..	70	....	1,11,406	0	7
Preceding half-yearly Report	..	94	..	11	.. ....	105			
Western Division	84	..	12	..	96	....	1,24,665	8	2
Preceding half-yearly Report	..	95	..	10	....	105			
Total	239	.	54	..	293	....	63,82,986	5	7
Total preceding half-yearly Report	..	299	..	52	....	351			

Sudder Adawlut,
Register's Office,
20th March 1822.

(Signed) W. OLIVER,
Register.

General Abstract Statement *of Causes decided in the Zillah Courts from* 1*st January to* 30*th June* 1821, *formed shewing also the Amount Value of property held* ....

ZILLAHS.	By the JUDGE, In APPEAL from the DECISION of — The Register.		The Native Commissioner.		The Sudder Aumeens		The District Moonsiffs.		The Village Moonsiffs.		By the REGISTER, In APPEAL from the DECISION of — The Sudder Aumeens.		The District Moonsiffs.		TRIED in the First Instance by — The Judge.		The Register.		TOTAL.	By the Sudder Aumeen, in Appeal from the Decision of the District Moonsiffs.	
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.		Decreed or dismissed.	Adjusted by Razeenamah.
Bellary	..	..	..	..	10	..	14	..	..	..	..	..	..	..	35	..	32	1	92	..	..
Canara	12	..	..	..	23	..	39	..	2	..	.	.	7	..	50	4	17	1	155	42*	1
Chingleput ..	8	..	..	..	5	..	..	..	..	..	..	..	22	..	13	1	12	3	64	..	..
Chittoor	13	..	..	..	13	..	2	..	..	..	..		4	3	28	14	27	16	120	24	..
Combaconum .	1	..	..	..	7	1	28	..	..	..	..	..	..	..	9	1	39	2	88	..	..
Cuddapah	10	2	..	..	21	7	2	1	..	..	1	..	..	..	101	43	38	14	240	4	..
Darapoorum ..	3	..	..	..	17	..	14	..		..	7	..	4	..	10	2	25	4	86	..	..
Ganjam, or Chicacole ..	1	..	..	..	5	..	9	1	..	..	..	..	..	..	19†	43	34	23	135	..	..
Madura	1	..	..	..	2	..	14	..	..	..	..	..	..	..	19	34	24	17	111	..	.
Malabar (North)	..	..	..	..	6	..	7	1	..	..	..	..	..	..	49	1	79	14	157	..	..
Malabar (South)	..	1	..	..	2	..	14	8	..	..	..	..	17	8	22	3	11	3	89	..	.
Masulipatam ..	8	..	.		17	..	12	2	..	..	..	..	..	..	7	5	..	..	51	..	..
Nellore	..	.	..	..	..	..	..	..	..	..	..	..	..	..	3	1	26	7	37	..	..
Rajahmundry .	2	..	..	..	4	..	1	1	..	.	..	..	1	..	57	4	36	2	108	16	..
Salem........	11	1	..	..	33	6	46	6	..	..	1	..	..	..	12‡	2	40	20	178	7	1
Seringapatam .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	39	..	5	..	44	..	..
Tinnevelly....	2	..	..	..	..	..	9	1	..	..	..	..	..	..	19	19	12	2	64	..	..
Trichinopoly ..	5	..	..	..	5	..	1	..	1	..	..	..	..	..	29	3	43	5	92	..	..
Verdachellum .	8	2	..	..	8	1	3	..	..	..	4	..	4	2	4	3	37	29	105	..	..
Total	85	6	..	..	178	15	215	21	3	..	13	..	59	13	525	183	537	163	2,016	93	2

Sudder Adawlut, Register's Office, 4th October 1821.

* Three Appeals from the decision of former Native Commissioner not included in the long Statement.

† Summary Suits not included in the long Statement. ‡ Ibid.

from the Monthly Abstract Registers furnished by the Zillah Judge, pursuant to Section 10, *Regulation XIII, A.D.* 1802;
.... *under Decrees passed in those Courts.*

TRIED in the FIRST INSTANCE by												Total.	Total Native Commissioners.	Grand Total.	Amount of Property Decreed.			Zillahs.
Former Commissioner.		The Sudder Aumeen.		The District Moonsiff.		The District Punchayet.		The Village Moonsiff.		The Village Punchayet.								
Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.				Rupees.	A.	P.	
..	..	174	1	4,790	4	1	..	...	.	.	..	4,970	4,970	5,062	90,041	7	0	Bellary.
..	..	197	45	845	309	1	..	634	138	21	4	2,194	2,237	2,392	1,16,285	0	7	Canara.
..	..	55	31	319	128	..	..	18	9	..	..	560	560	624	48,410	8	11	Chingleput.
..	..	162	96	686	606	..	1	163	54	..	1	1,769	1,793	1,913	1,20,776	10	4	Chittoor.
..	..	73	5	609	201	..	..	208	30	..	..	1,126	1,126	1,214	51,520	10	8	Combaconum.
..	..	225	132	1,587	1,210	2	5	7	3	..	..	3,171	3,175	3,415	90,486	14	9	Cuddapah.
..	..	180	13	487	668	..	..	40	13	..	..	1,401	1,401	1,487	56,337	10	2	Darapoorum.
..	..	17	14	413	428	..	..	40	5	2	..	919	919	1,054	68,820	14	5	Ganjam, or Chicacole.
..	..	6	12	230	457	..	..	....	..	..	..	705	705	816	45,961	2	4	Madura.
..	..	146	41	261	122	..	..	....	..	..	..	570	705	727	45,095	7	2	Malabar (North).
..	..	118	20	886	445	1	..	....	..	..	..	1,470	1,470	1,559	71,501	9	4	Malabar (South).
..	..	82	79	426	997	2	4	59	46	..	..	1 695	1,695	1,746	68,207	5	2	Masulipatam.
..	..	21	7	267	763	4	..	50	8	..	..	1,120	1,120	1,157	51,978	1	10	Nellore.
..	..	6	8	378	335	..	..	59	23	1	1	811	827	935	1,17,553	11	4	Rajahmundry.
..	..	59	25	830	685	1	..	90	1	..	..	1,691	1,699	1,877	45,787	8	0	Salem.
..	..	17	2	....	....	..	..	....	..	..	..	19	19	63	8,363	8	6	Seringapatam.
..	..	13	7	197	211	..	..	93	38	18	5	582	582	646	20,749	10	3	Tinnevelly.
..	..	83	10	190	145	..	..	44	1	..	..	473	473	565	50,819	5	2	Trichinopoly.
..	..	35	16	129	180	..	1	135	74	2	..	572	572	677	37,609	4	1	Verdachellum.
..	..	1,669	564	13,530	7,894	12	11	1,640	443	44	11	25,818	25,913	27,929	12,01,306	6	0	.. Total.

(Signed) W. OLIVER,
Register.

GENERAL ABSTRACT STATEMENT *of Causes decided in the Zillah Courts from July to December* 1821, *formed from shewing also the Amount Value of Property* ....

ZILLAHS.	By the JUDGE, In APPEAL from the DECISION of — The Register.		The Native Commissioner.		The Sudder Aumeen.		The District Moonsiff.		The Village Moonsiff.		By the REGISTER, in APPEAL from the DECISION of — The Sudder Aumeen.		The District Moonsiff.		The Native Commissioner.		TRIED in the First Instance by — The Judge.		The Register.		TOTAL by the JUDGE and REGISTER.
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	
Bellary	..	..	..	..	12	..	11	1	..	..	..	..	5	..	..	..	39	..	48	..	116
Canara......	1	..	.	..	20	..	19	1	4	..	13	.	22	1	*1	..	47	4	11	6	150
Chingleput ..	6	..	..	..	3	..	..	..	..	..	..	..	18	..	..	..	8	2	15	7	59
Chicacole....	1	..	.	..	1	..	1	..	..	..	3	1	4	..	..	..	†43	149	74	37	314
Chittoor ..	10	..	..		23	..	9	..	..	..	..	..	8	3	..	..	16	3	30	5	110
Combaconum	.	2	..	..	8	..	15	..	..	..	..	..	..	..	.	..	8	2	29	1	65
Cuddapah....	11	..	..	..	16	11	2	2	..	..	2	1	1	..	...	..	82	44	101	18	291
Darapooram..	3	..	.	..	18	..	9	.	..	..	3	..	2	..	..	..	9	..	15	2	61
Madura......	3	..	..	..	..	..	16	3	..	..	..	..	..	..	..	..	29	45	..		96
Malabar (North)	12	..	..	.	13	..	10	..	..	..	..	..	..	..	..	..	31	7	72	12	157
Malabar (South)	5	1	..	..	3	6	5	5	..	..	.	..	10	..	..	..	12	1	11	3	62
Masulipatam / Rajahmundry	2	1	..	..	12	..	10	..	..	..	..	..	..	..	..	..	13	5	14	1	58
Nellore......	13	..	..	..	..	..	..	1	..	..	6	..	1	..	..	..	9	7	8	5	50
Salem	11	2	..	..	15	..	18	2	..	..	3	..	3	1	..	..	7	..	11	1	74
Seringapatam	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	9	..	8	..	18
Tinnevelly....	1	..	..	..	1	..	9	1	..	..	..	..	..	..	..	..	21	12	11	5	61
Trichinopoly..	6	..	..	..	10	..	9	..	2	..	..	..	..	..	..	..	16	3	44	7	97
Verdachellum.	4	..	..	..	7	..	16	1	..	..	..	..	..	..	..	..	2	3	16	14	63
Total....	90	6	..	..	165	17	159	17	6	..	30	2	74	5	1	..	401	287	518	124	1,902

Sudder Adawlut, Register's Office,
20th March 1822.

* Appeals decided by the Register from the decision of the former Native Commissioner, not included in the long Statement.
† Summary causes decided by the Judge not included in the long Statement.

the Monthly Abstract Registers furnished by the Zillah Judges, pursuant to Section 10, *Regulation XIII, A.D.* 1820 ;
.... *held under Decrees passed in those Courts.*

By the Sudder Aumeen, from the Decision of the District Moonsiffs.		TRIED in the FIRST INSTANCE by: Former Commissioner.		The Sudder Aumeen.		The District Moonsiff.		The District Punchayets.		The Village Moonsiffs.		The Village Punchayets.		TOTAL.	TOTAL Native Commissioners.	GRAND TOTAL.	Amount of Property decreed.		
Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.				Rupees.	A.	P.
8	..	..	..	145	3	4,331	1	4	..	2	..	..	..	4,686	4,694	4,810	1,00,521	1	6
29	3	..	..	191	55	1,095	370	..	..	663	158	17	1	2,550	2,582	2,732	1,52,552	12	6
..	..	..	..	90	26	374	216	1	..	18	2	3	1	731	731	790	59,110	1	8
..	..	..	..	37	36	498	494	1	1	23	7	..	1	1,098	1,098	1,412	97,133	10	1
..	..	..	..	218	89	1,191	1,195	1	..	253	72	1	1	3,021	3,021	3,131	1,72,000	4	7
1	..	..	.	107	8	802	315	1	..	133	19	..	..	1,385	1,386	1,451	63,617	6	5
2	1	..	..	392	112	1,924	1,568	2	2	16	19	1		4,036	4,039	4,330	81,908	7	6
4	..	..	..	149	14	747	338	..	..	18	5	..	..	1,301	1,305	1,366	45,332	10	11
..	..	..	..	14	19	241	392	.	..	1	1	.	..	668	668	764	56,970	4	5
.	..	..		170	42	448	317	..	..	..	..	..	..	977	977	1,134	72,7[illegible]	12	4
..	.	..	..	110	21	796	522	1	..	..	..	..	..	1,450	1,450	1,512	73,089	4	5
5	..	..	..	115	99	646	1,137	..	..	31	13	..	1	2,042	2,047	2,105	73,238	5	11
55	5	..	..	41	31	446	1,060	..	1	17	12	..		1,608	1,668	1,718	1,00,068	8	3
..	..	..	..	69	37	1,066	957	..	..	60	10	..	..	2,199	2,199	2,273	51,212	13	9
..	..	..	..	14	..	..	..	.	..	..	..	..	..	14	14	32	1,583	12	6
..	..	..	..	9	2	361	391	..	..	27	19	5	3	817	817	878	29,727	0	6
..	..	..	..	56	7	232	199	..	..	16	8	1	..	519	519	616	38,433	9	9
..	..	..	..	36	23	99	195	1	..	62	16	..	..	432	432	495	26,015	8	7
104	9	..	..	1,963	624	15,497	9,667	12	4	1,370	361	28	8	29534	29,647	31,549	12,95,316	7	7

(Signed) W. OLIVER,
Register.

General Report *on the Reports furnished by the Zillah Judges, conformably to Section* 11, *Regulation XIII,* 1802, *Litigation in* ....

ZILLAHS	Before the JUDGE, in APPEAL from the DECISION of: The Register.	The Sudder Aumeens.	The District Moonsiffs.	The Village Moonsiffs.	Former Commissioner.	Before the Register, in Appeal from the Decision of: The Sudder Aumeens.	The District Moonsiffs.	Under TRIAL, in the first Instance before: The Judge.	The Register.	TOTAL before the Judge and Register.	Before the Sudder Aumeens, in Appeal from the Decision of the District Moonsiffs.	Under Trial, in the first Instance before the Sudder Aumeens.
Bellary	1	5	7	—	—	—	—	124	23	160	—	22
Preceding half-yearly Report	—	9	9	—	—	—	5	17*	67	107	8	131
Canara	135	125	161	—	—	16	3	100	184	726	13	429
Preceding half-yearly Report	139	135	141	4	—	—	24	236	114	793	45	460
Chinglepnt	17	54	5	—	—	—	5	361	22	464	—	53
Preceding half-yearly Report	22	43	6	—	—	—	6	14	20	111	—	41
Chicacole	13	6	22	—	1	8	13	49	114	226	—	92
Preceding half-yearly Report	11	17	20	—	1	—	—	32	60	141	—	48
Chittoor	2	25	86	—	—	—	—	46	19	178	—	159
Preceding half-yearly Report	8	31	44	—	—	—	11	43	32	169	1	211
Combaconum	4	8	16	—	—	—	—	21	14	63	3	75
Preceding half-yearly Report	—	—	13	—	—	—	—	23	18	54	—	87
Cuddapah	29	90	18	—	—	—	—	147	—	284	3	306
Preceding half-yearly Report	25	95	18	—	—	—	—	221	—	359	2	137
Darapoorum	5	12	28	—	—	—	—	165	—	210	—	—
Preceding half-yearly Report	3	12	12	—	—	3	6	14	22	72	—	201
Madura	1	1	11	—	—	—	—	73	—	86	—	23
Preceding half-yearly Report	3	—	6	—	—	—	—	39	9	57	—	6
Malabar (North)	47	52	21	—	—	—	—	68	92	280	—	181
Preceding half-yearly Report	46	40	27	—	—	—	—	92	80	285	—	157
Malabar (South)	25	72	191	—	—	—	33	50	36	407	—	97
Preceding half-yearly Report	28	67	155	—	—	—	43	44	37	374	—	112
Masulipatam	46	94	5	—	—	—	1	129	75	350	42	255
Preceding half-yearly Report	4	19	13	—	—	—	—	24	69	129	—	162
Nellore	—	1	—	—	—	20	18	11	14	64	55	18
Preceding half-yearly Report	11	—	4	—	—	15	12	16	19	77	25	23
Rajahmundry†	......	......	......	....	....	....	......	....	......	....	......	....
Preceding half-yearly Report	42	78	32	—	—	—	4	105	73	334	6	18
Salem	2	4	21	—	—	—	—	43	33	103	—	120
Preceding half-yearly Report	13	12	17	—	—	—	—	16	58	116	—	46
Seringapatam	—	—	—	—	—	—	—	40	—	40	—	—
Preceding half-yearly Report	—	—	—	—	—	—	—	21	—	21	—	—
Tinnevelly	11	8	37	—	—	—	2	42	25	125	—	11
Preceding half-yearly Report	8	8	42	—	—	—	—	38	16	112	—	9
Trichinopoly	3	4	4	—	—	—	—	8	14	33	—	32
Preceding half-yearly Report	4	7	6	—	—	—	—	13	12	42	—	21
Verdachellum ‡	......	......	......	....	....	....	......	....	......	....	......	....
Preceding half-yearly Report	6	10	18	—	—	—	—	32	61	127	—	93
Total	343	561	633	—	1	44	75	1,477	665	3,799	118	1,873
Total preceding half-yearly Report	3[illegible]3	583	583	4	1	18	111	1,040	767	3,480	87	1,963

Sudder Adawlut, Register's Office, 20th March 1822.

* Eleven Causes referable to the Register, Sudder Aumeens, and District Moonsiffs.
† File of their Court has been included in the report of Masulipatam.
‡ File of their Court has been included in the report of Chinglepnt.

of Causes depending in their Courts on the 1st *January* 1822; *shewing also the estimated Amount of Property in* .... *their Courts.*

Under TRIAL, in the first Instance before the: District Moonsiffs.	District Punchayets.	Village Moonsiffs.	Village Punchayets.	Former Commissioners.	TOTAL.	TOTAL, Native Commissioners.	TOTAL preceding Half-yearly Report.	GRAND TOTAL.	AMOUNT of Property under Litigation. Rupees. A. P.	ZILLAHS.
1,971 ..	5 ..	2 ..	— ..	— ..	2,003 ..	2,003 ..	......	2,163	47,505 5 1	Bellary.
.. 1,418	.. 5	.. —	.. —	.. —	.. 1,581	.. 1,592	1,699	......	....	Preceding half-yearly Report.
5,521 ..	9 ..	— ..	— ..	— ..	5,962 ..	5,975 ..	......	6,701	4,63,521 4 7	Canara.
.. 4,519	.. 9	.. —	.. —	.. —	.. 4,988	.. 5,033	5,826	......	....	Preceding half-yearly Report.
659 ..	5 ..	— ..	— ..	— ..	717 ..	717 ..	......	1,181	1,53,035 9 6	Chingleput.
.. 178	.. 3	.. —	.. 1	.. —	.. 223	.. 223	334	......	....	Preceding half-yearly Report.
1,110 ..	5 ..	20 ..	— ..	— ..	1,227 ..	1,227 ..	......	1,153	1,75,572 6 0	Chicacole.
.. 892	.. 3	.. 17	.. 1	.. —	.. 961	.. 961	1,102	......	....	Preceding half-yearly Report.
1,903 ..	— ..	— ..	— ..	— ..	2,062 ..	2,062 ..	......	2,240	1,05,364 1 10	Chittoor.
.. 1,705	.. —	.. —	.. —	.. —	.. 1,916	.. 1,917	2,086	......	....	Preceding half-yearly Report.
713 ..	— ..	126 ..	— ..	— ..	914 ..	917 ..	......	980	77,647 6 7	Combaconum.
.. 709	.. 1	.. 133	.. —	.. —	.. 930	.. 930	984	......	....	Preceding half-yearly Report.
1,561 ..	— ..	16 ..	— ..	— ..	1,883 ..	1,886 ..	......	2,170	51,703 15 0	Cuddapah.
.. 1,610	.. —	.. —	.. —	.. —	.. 1,747	.. 1,749	2,108	......	....	Preceding half-yearly Report.
1,466 ..	— ..	— ..	— ..	— ..	1,466 ..	1,466 ..	......	1,676	58,776 3 4	Darapoorum.
.. 1,145	.. —	.. —	.. —	.. —	.. 1,346	.. 1,346	1,418	......	....	Preceding half-yearly Report.
283 ..	2 ..	— ..	— ..	— ..	308 ..	308 ..	......	394	42,117 12 8	Madura.
.. 333	.. 1	.. —	.. —	.. —	.. 340	.. 340	397	......	....	Preceding half-yearly Report.
1,891 ..	— ..	— ..	— ..	— ..	2,072 ..	2,072 ..	......	2,352	1,34,680 6 1	Malabar (North).
.. 1,632	.. —	.. —	.. —	.. —	.. 1,789	.. 1,789	2,074	......	....	Preceding half-yearly Report.
1,947 ..	— ..	— ..	— ..	— ..	2,044 ..	2,044 ..	......	2,451	2,51,644 10 7	Malabar (South).
.. 1,682	.. —	.. —	.. —	.. —	.. 1,794	.. 1,794	2,168	......	....	Preceding half-yearly Report.
2,307 ..	3 ..	253 ..	5 ..	— ..	2,823 ..	2,865 ..	......	3,215	3,69,909 2 1	Masulipatam.
.. 1,372	.. 5	.. —	.. —	.. —	.. 1,53[illegible]	.. 1,539	1,668	......	....	Preceding half-yearly Report.
800 ..	6 ..	2 ..	— ..	— ..	826 ..	88[illegible] ..	......	945	85,308 15 10	Nellore.
.. 478	.. 1	.. —	.. —	.. —	.. 502	.. 527	604	......	....	Preceding half-yearly Report.
....	......	......	......	......	....	....	......	......	....	Rajahmundry.
.. 1,066	.. 3	.. 274	.. 5	.. —	.. 1,366	.. 1,372	1,706	......	....	Preceding half-yearly Report.
1,518 ..	— ..	— ..	— ..	— ..	1,638 ..	1,638 ..	......	1,741	80,531 10 3	Salem.
.. 1,306	.. —	.. —	.. —	.. —	.. 1,352	.. 1,352	1,468	......	....	Preceding half-yearly Report.
— ..	— ..	— ..	— ..	— ..	— ..	— ..	......	40	4,913 8 6	Seringapatam.
.. —	.. —	.. —	.. —	.. —	.. —	.. —	21	......	....	Preceding half-yearly Report.
277 ..	6 ..	139 ..	1 ..	— ..	434 ..	434 ..	......	559	33,997 5 3	Tinnevelly.
.. 408	.. 4	.. 143	.. 9	.. —	.. 573	.. 573	685	......	....	Preceding half-yearly Report.
116 ..	— ..	— ..	— ..	— ..	148 ..	148 ..	......	181	17,076 11 8	Trichinopoly.
.. 130	.. —	.. —	.. —	.. —	.. 151	.. 151	193	......	....	Preceding half-yearly Report.
....	......	......	......	......	....	....	......	......	....	Verdachellum.
.. 522	.. —	.. —	.. —	.. —	.. 615	.. 615	742	......	....	Preceding half-yearly Report.
24,047 ..	41 ..	558 ..	6 [illegible]	— ..	26,525 ..	26,643 ..	......	30,442	21,53,206 6 6	.... Total.
.. 21,135	.. 35	.. 567	.. 16	.. —	.. 23,716	.. 23,803	27,283	......	....	Total preceding half-yearly Report.

(Signed) W. OLIVER, Register.

APPEALS *decided by the Court of Sudder Adawlut, from* 1*st January to* 30*th June* 1821.

Decreed or dismissed 8
Adjusted by Razeenamah 0

Total 8

Sudder Adawlut, Register's Office,
4th October 1821.

(Signed) W. OLIVER,
Register.

APPEALS *decided by the Court of Sudder Adawlut, from* 1*st July to* 31*st December* 1821.

Decreed or dismissed 8
Adjusted by Razeenamah 0

Total 8

Sudder Adawlut, Register's Office,
20th March 1823.

(Signed) W. OLIVER,
Register.

APPEALS *remaining undecided in the Sudder Court on the* 1*st January* 1822.

23

Sudder Adawlut, Register's Office,
20th March 1822.

(Signed) W. OLIVER,
Register.

GENERAL ABSTRACT *of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from* 1*st January to* 31*st December* 1821.

DIVISIONS.	ZILLAHS.	Number of Trials for			Number of Prisoners on whom Sentences have been passed.							
							TOTAL.					
		1820.	1821.	Total.	1820.	1821.	Death.	Transportation.	Imprisonment.	Released on Security.	Released.	Total.
Centre Division	Chittoor	2	4	6	6	12	1	2	5	..	10	18
	Bellary....	4	5	9	17	6	9	6	2	6	..	23
	Cuddapah..........	7	17	24	9	24	15	5	3	8	2	33
	Chingleput	1	1	2	2	17	4	4	..	11	..	19
Northern Division	Masulipatam	..	3	3	..	10	..	..	9	.	1	10
	Nellore....	..	6	6	..	11	3	1	2	..	5	11
	Vizagapatam....	3	..	3	15	..	.	6	..		9	15
	Ganjam..........	3	..	3	3	..	2	..	..	..	1	3
	Chicacole..........	..	5	5	.	6	4	..	..	2	..	6
	Rajahmundry	2	4	6	36	5	2	3	15	18	3	41
Southern Division	Trichinopoly	.	1	1	..	2	..	..	1	..	1	2
	Salem		4	4	..	5	4	1	..	..	..	5
	Tinnevelly	2	2	4	2	2	3	..	..	..	1	4
	Madura	1	3	4	4	3	1	4	1	..	1	7
	Verdachellum	..	1	1	..	1	..	..	..	.	1	1
Western Division	South Malabar......	10	17	27	37	22	25	5	10	15	4	59
	North Malabar......	4	1	5	13	2	3	2	9	..	1	15
	Canara......	3	11	14	8	24	17	2	5	1	7	32
	Seringapatam	1	..	1	1	..	1	..	..	..	.	1
	Total......	43	85	128	153	152	94	41	62	61	47	305

Foujdarry Adawlut, Register's Office,
17th January 1822.

(Signed) W. OLIVER,
Register.

GENERAL ABSTRACT STATEMENT *of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from January to June* 1822, *formed from the Monthly Abstract Registers furnished by them, conformably to Section* 13, *Regulation XIII, A.D.* 1802.

COURTS.	APPEALS.		CAUSES Tried in the first Instance.		TOTAL.	Amount of Property decreed.
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.		
Centre Division..........................	..	..		..	..	
Northern Division..........................	12	..	2	1	15	
Southern Division..........................	28	1	6		35	—
Western Division..........................	24	1	..	..	25	
Total............	64	2	8	1	75	

Sudder Adawlut,
Register's Office,
7th October 1822.

(Signed) W. OLIVER,
Register.

GENERAL ABSTRACT STATEMENT *of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from July to December* 1822, *formed from the Monthly Abstract Registers furnished by them conformably to Section* 13, *Regulation XIII, A.D.* 1802; *shewing also the Amount Value of Property held under Decrees passed by those Courts in original Cases.*

COURTS.	APPEALS.		CAUSES Tried in the first Instance.		TOTAL.	Amount of Property decreed.		
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.		Rupees.	A.	P.
Centre Division..........................	15	..	2	..	17	39,900	0	0
Northern Division..........................	7	2	5	1	15	8,89,627	4	1
Southern Division..........................	35	1	3	..	39	5.169	8	7
Western Division..........................	23		2	1	26	44.056	12	10
Total...............	80	3	12	2	97	9,78,753	9	6

Sudder Adawlut,
Register's Office,
16th April 1823.

(Signed) W. OLIVER,
Register.

GENERAL REPORT *on the Reports furnished by the Provincial Courts, conformably to Section* 14, *Regulation XIII, A.D.* 1802, *of Causes and Appeals remaining undecided in the Courts on the* 1st *January* 1823, *shewing the Estimates of Property in Litigation in those Courts.*

COURTS.	APPEALS.		CAUSES under Trial in the first Instance.		TOTAL.		TOTAL preceding half-yearly Report.	Amount of Property under Litigation.		
								Rupees.	A.	P.
Centre Division................	29	..	10	..	39	..	4,93,225	4,93,225	9	10
Preceding half-yearly Report ..	..	22	..	4	..	26	......			
Northern Division................	72	..	31	..	103	..	......	54,04,524	1	$7\frac{3}{4}$
Preceding half-yearly Report ..	..	73	..	32	..	105	.....			
Southern Division................	44	..	8	..	52	..	......	3,22,104	13	8
Preceding half-yearly Report ..	..	46	..	7	..	53	......			
Western Division................	61	..	12	..	73	..	......	1,98,132	11	5
Preceding half-yearly Report ..	..	69	..	13	..	82	......			
Total...............	206	..	61	..	267	..	4,93,225	64,17,987	4	$6\frac{3}{4}$
Total preceding half-yearly Report	..	210	..	56	..	266	......			

Sudder Adawlut,
Register's Office,
16th April 1820.

(Signed) W. OLIVER,
Register.

General Abstract Statement *of Causes decided in the Zillah Courts, from January to June* 1822, *formed* *A.D.* 1802; *shewing also the Amount Value of*......................................

ZILLAHS.	By the JUDGE, in APPEAL from the DECISION of										By the REGISTER, in APPEAL from the DECISION of						TRIED in the First Instance by				TOTAL.
	The Register.		The Native Commissioner.		The Sudder Aumeen.		The District Moonsiff.		The Village Moonsiff.		The Sudder Aumeen.		The District Moonsiff.		The Native Commissioner.		The Judge.		The Register.		
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	
Bellary.	1	..	..	..	4	..	6	..	..	..	..	..	..	..	..	..	40	2	39	3	95
Canara.......	33	1	..	..	19	..	15	..	..	..	32	..	3	..	..	..	45	3	44	5	200
Chingleput....	4	..	..	..	11	..	..	..	..	..	..	..	18	2	..	..	21	..	22	7	85
Chicacole ..	8		..	..	3	..	8	..	..	..	5	1	8	1	..	..	37*	34	68	36	208
Chittoor......	4	..	..	..	8	..	15	1	..	..	..	..	18	2	..	..	22	1	16	1	88
Combaconum ..	4	..	..	..	12	..	20	..	..	..	2	..	..	..	..	..	9	..	21	2	70
Cuddapah ..	16	..	..	..	37	2	9	1	..	..	26	..	..	..	..	..	34	13	59	4	201
Madura	1	..	..	..	1	..	26	2	..	..	..	..	..	..	..	..	31	43	..	..	104
Malabar (North)	6	..	..	..	3	..	4	1	..	..	..	..	..	..	..	..	34	2	83	11	144
Malabar (South)	9	..	..	..	12	1	8	..	..	..	..	..	52	8	..	..	19	1	24	2	136
Masulipatam ..	4	6	..	..	13	2	5	..	..	..	12	..	..	..	..	..	51	8	12	5	118
Nellore.......	..	..	..	..	..	..	3	1	..	..	..	..	..	..	..	..	3	3	..	..	10
Salem........	4	..	..	..	16	1	30	2	..	..	..	..	..	..	..	..	13	1	13	5	85
Seringapatam ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	27	2	4	2	35
Tinnevelly	4	..	..	..	..	..	14	..	..	..	..	..	5	1	..	..	34	20	21	9	108
Trichinopoly ..	2	..	..	..	3	..	2	..	..	..	..	..	..	..	..	..	10	..	12	3	32
Total....	100	7	..	..	142	6	165	8	..	..	77	1	104	14	..	..	430	133	438	95	1,719

Sudder Adawlut, Register's Office,
7th October 1822.

* Original.

from the Monthly Abstract Registers furnished by the Zillah Judges, pursuant to Section 10, *Regulation XIII,*
.... *Property held under Decrees passed in these Courts.*

By the Sudder Aumeen, in Appeal from the Decision of the District Moonsiff.		TRIED in the FIRST INSTANCE by: The former Commissioner.		The Sudder Aumeen.		The District Moonsiff.		The District Punchayet.		The Village Moonsiff.		The Village Punchayet.		Total.	Total Native Commissioners.	Grand Total.	Amount of Property Decreed.		
Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.				Rupees.	A.	P.
..	..	..	..	116	4	5,308	5	5	..	8	..	..	..	5,446	5,446	5,541	15,140	6	10
58	1	..	..	196	35	2,085	448	2	..	445	84	1	..	3,296	3,355	3,555	27,706	0	11
..	..	..	..	156	45	531	408	1	..	34	12	..	..	1,187	1,187	1,272	1,02,451	13	9
..	..	..	..	51	40	617	540	..	1	30	6	..	1	1,286	1,286	1,494	45,488	11	6
16	3	..	..	114	107	885	760	1	..	75	26	..	..	1,968	1,987	2,075	87,527	15	9
3	..	..	..	93	18	733	288	..	..	136	18	..	..	1,286	1,289	1,359	63,814	14	3
4	1	..	..	289	82	2,630	1,375	2	1	13	3	..	..	4,395	4,400	4,601	90,169	13	9
..	..	..	..	29	18	187	361	1	..	2	1	..	..	599	599	703	58,830	9	6
..	..	..	..	219	23	237	170	..	..	..	..	..	..	649	649	793	56,577	11	7
..	..	..	..	103	24	1,026	541	..	1	..	..	5	..	1,700	1,700	1,836	1,01,028	6	9
39	5	..	..	137	72	907	1,098	..	..	71	25	..	2	2,312	2,356	2,474	1,14,030	4	0
34	7	..	..	38	26	555	1,223	..	1	9	3	..	..	1,855	1,896	1,906	48,251	12	2
..	..	..	..	141	15	2,129	1,283	..	..	104	12	1	..	3,685	3,685	3,770	78,747	4	10
..	..	..	..	49	2	..	..	..	..	..	..	..	..	51	51	86	4,961	5	9
..	..	..	..	5	4	247	147	1	..	38	17	2	..	461	461	569	11,803	4	5
..	..	..	..	28	6	143	109	..	..	6	4	2	..	298	298	330	9,703	14	6
154	17	..	..	1,764	521	18,220	8,756	13	4	971	211	11	3	30,474	30,645	32,364	9,16,234	6	3

(Signed) W. OLIVER,
Register.

GENERAL ABSTRACT STATEMENT *of Causes decided in the Zillah Courts from July to December* 1822, *formed from shewing also the Amount Value of Property* ....

ZILLAHS.	By the JUDGE, In APPEAL from the DECISION of										By the REGISTER, in APPEAL from the DECISION of						TRIED in the First Instance by				TOTAL by the JUDGE and REGISTER.
	The Register.		The Native Commissioner.		The Sudder Aumeen.		The District Moonsiff.		The Village Moonsiff.		The Sudder Aumeen.		The District Moonsiff.		The Native Commissioner.		The Judge.		The Register.		
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	
Bellary....	..	..	..	..	11	..	12	..	..	..	..	..	..	..	..	..	33	1	44	4	105
Canara......	27	..	..	..	8	..	2	..	..	..	29	1	5	..	..	..	25	1	59	5	162
Chingleput ..	10	..	..	..	30	3	..	..	..	..	..	..	35	2	..	..	18	14	74	31	217
Chicacole....	12	..	..	..	5	..	4	4	..	..	2	1	23	1	..	..	*57	30	51	42	232
Chittoor	..	..	..	..	15	3	13	3	..	..	..	..	33	..	..	..	14	14	47	10	152
Combaconum	4	..	..	..	15	..	12	1	..	..	..	..	..	..	..	..	11	1	12	..	56
Cuddapah....	2	..	..	..	15	2	6	..	..	..	1	..	1	..	..	..	13	3	13	4	60
Madura.. ..	3	..	..	..	3	..	25	..	..	..	..	..	2	..	..	..	27	30	1	1	92
Malabar(North)	18	..	..	..	9	1	1	..	..	..	35	2	..	..	..	..	16	2	61	7	152
Malabar(South)	9	1	..	..	8	5	1	3	..	..	..	..	116	26	..	..	35	5	11	3	223
Masulipatam ..	31	..	..	..	15	3	1	1	..	..	19	1	..	..	..	..	35	9	26	8	149
Nellore......	..	..	..	..	..	..	..	..	..	..	6	1	..	..	..	..	5	1	2	..	15
Salem	4	..	..	..	18	3	18	3	..	..	5	..	2	..	..	..	12	4	80	9	158
Seringapatam	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	20	2	22
Total....	120	1	..	..	152	20	95	15	..	..	97	6	217	29	..	..	301	115	501	126	1,795

Sudder Adawlut, Register's Office, 16th April 1823.

* Seventy-seven summary causes decided by the Judge not included in the long Statement.

the Monthly Abstract Registers furnished by the Zillah Judges, pursuant to Section 10, *Regulation VIII, A.D.* 1802; .... *held under Decrees passed in those Courts.*

By the Sudder Aumeen, in Appeal from Decision of District Moonsiffs.		TRIED in the FIRST INSTANCE by: Former Commissioner.		The Sudder Aumeen		The District Moonsiff.		The District Punchayets.		The Village Moonsiffs		The Village Punchayets.		Total	Total Native Commissioners.	Grand Total	Amount of Property decreed		
Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.				Rupees.	A.	P.
..	..	..	.	119	1	3,704	1	1	..		..	..	..	3,826	3,826	3,931	14,185	4	2
81	3	.	..	204	31	2,269	465	3	1	720	31	21	1	3,746	3,830	3,992	36,987	5	2
	..		..	124	54	516	400	1	1	78	39	..	..	1,213	1,213	1,430	1,27,955	7	2
..	.			91	94	702	669	1	1	12	6	..	.	1,576	1,576	1,808	52,621	2	4
4	4	..	..	166	188	1,229	1,108	..	1	187	64	..		2,943	2,951	3,103	1,17,877	10	9
1	..	..	.	130	20	775	344	.	.	129	21	..	.	1,419	1,420	1,476	69,199	10	10
10	2	..		339	105	2,868	1,607	1	3	55	30	..	..	5,208	5,220	5,280	1,00,826	2	6
	1	..		47	20	460	647	2	..	37	16	3	2	1,234	1,235	1,327	82,413	4	7
22	1	..	..	229	28	576	154	..	..	..	..		..	987	1,010	1,162	58,872	3	0
..	..	..	..	118	33	1,193	645	5	2	..	..	1	..	1,997	1,997	2,220	1,33,750	1	9
30	3	.	..	87	39	946	1,068	..	..	67	42	2	3	2,254	2,287	2,436	1,64,363	0	10½
53	7	..	..	30	25	621	881	..	5	20	8	..		1,590	1,650	1,665	56,156	1	7
1	..		..	194	24	2,306	1,211	..		251	30	..	..	4,016	4,017	4,175	84,616	8	9
..	..	..	..	71	4			..	..	..	..	..	..	75	75	97	8,516	14	6
202	21		..	1,949	6,661	18,165	9,400	14	14	1,556	287	27	6	32,084	32,307	34,102	11,08,340	13	11

(Signed) W. OLIVER
Register.

GENERAL REPORT *of the Reports furnished by the Zillah Judges, conformably to Section* 11, *Regulation XIII,* 1802, *Litigation in*..

ZILLAHS.	Before the JUDGE, in APPEAL from the DECISION of The Register.	The Sudder Aumeen.	The District Moonsiff.	The Village Moonsiff	Former Commissioner.	Before the Register, in Appeal from the Decision of The Sudder Aumeen.	The District Moonsiff.	Under TRIAL, in the first Instance before The Judge.	The Register.	TOTAL before the JUDGE and REGISTER.	Before the SUDDER AUMEENS, in Appeal from the Decision of the District Moonsiffs.	Under TRIAL, in the first instance before the Sudder Aumeens.
Bellary	2	5	4	—	—	—	2	16	38	67	—	101
Preceding half-yearly Report	—	6	10	—	—	—	—	11	24	51	—	107
Canara	110	83	220	—	—	36	25	59	137	670	24	164
Preceding half-yearly Report	117	92	190	—	—	30	5	55	169	658	25	282
Chingleput	18	55	20	—	—	—	19	20	83	215	—	65
Preceding half-yearly Report	25	68	13	—	—	—	22	54	134	316	—	83
Chicacole	23	19	23	—	1	8	24	92	44	234	—	90
Preceding half-yearly Report	22	13	26	—	1	4	27	24	80	257	—	61
Chittoor	12	35	76	—	—	—	3	52	26	204	5	261
Preceding half-yearly Report	6	37	4	—	—	—	24	39	30	140	13	207
Combaconum	5	13	27	—	—	7	20	33	49	154	—	112
Preceding half-yearly Report	4	11	20	—	—	12	—	20	33	100	1	100
Cuddapah	27	83	25	—	—	—	1	17	45	198	3	159
Preceding half-yearly Report	24	62	18	—	—	2	—	12	77	195	12	250
Madura	10	13	23	—	—	—	—	124	—	170	—	31
Preceding half-yearly Report	—	—	8	—	—	—	—	67	—	75	—	24
Malabar (North)	57	61	6	—	—	3	—	99	39	265	—	55
Preceding half-yearly Report	54	88	25	—	—	—	—	24	60	251	—	56
Malabar (South)	10	99	135	—	—	—	—	24	16	295	—	104
Preceding half-yearly Report	16	86	157	—	—	—	61	39	19	378	—	85
Masulipatam	8	—	—	—	—	79	11	47	52	189	34	61
Preceding half-yearly Report	38	55	3	—	—	42	10	84	66	298	24	129
Nellore	—	3	4	—	—	20	3	5	14	47	10	21
Preceding half-yearly Report	—	—	—	—	—	27	—	8	11	46	44	23
Salem	12	28	39	—	—	—	1	50	20	149	—	83
Preceding half-yearly Report	4	39	46	—	—	—	—	30	82	201	—	250
Seringapatam	4	—	—	—	—	—	—	—	9	13	—	21
Preceding half-yearly Report	—	—	—	—	—	—	—	24	—	24	—	—
Tinnevelly	—	—	—	—	—	—	—	—	—	—	—	—
Preceding half-yearly Report	12	9	17	—	—	—	8	29	19	94	—	17
Total	298	479	602	—	1	153	109	638	572	2,670	76	1,328
Total preceding half-yearly Report	322	566	537	—	1	117	157	580	804	3,084	119	1,674

Sudder Adawlut, Register's Office, 16th April 1823.

of Causes depending in their Courts on the 1st January 18[illegible], shewing also the estimated Amount of Property in their Courts.

Under TRIAL, in the first Instance before the District Moonsiffs.	District Punchayets.	Village Moonsiffs.	Village Punchayets.	Foreign Commissioners.	TOTAL.	TOTAL, Native Commissioners.	TOTAL preceding Half-yearly Report.	GRAND TOTAL.	AMOUNT of Property under Litigation. Rupees. A. P.	ZILLAHS.
1,476	3	8	—	—	1,588	1,588	......	1,655	17,024 8 4	Bellary.
1,684	2	8	—	—	1,801	1,801	1,852	......	....	Preceding half-yearly Report.
6,304	—	—	—	—	6,468	6,492	......	7,162	4,78,121 7 0	Canara.
6,261	—	—	—	—	6,543	6,568	7,226	......	....	Preceding half-yearly Report.
693	6	—	—	—	764	764	......	979	1,17,971 3 8	Chingleput.
671	7	—	—	—	761	761	1,077	......	....	Preceding half-yearly Report.
1,320	9	14	1	—	1,434	1,434	......	1,668	2,19,949 [illegible]	Chicacole.
1,216	9	16	—	—	1,302	1,302	1,559	......	....	Preceding half-yearly Report.
1,540	—	—	—	—	1,861	1,806	......	2,010	1,76,818 14 9	Chittoor.
1,823	—	—	—	—	2,030	2,043	2,183	......	....	Preceding half-yearly Report.
973	1	161	1	—	1,248	1,248	......	1,402	1,10,870 4 6	Combaconum.
920	—	160	—	—	1,180	1,181	1,281	......	....	Preceding half-yearly Report.
2,520	—	25	—	—	2,704	2,707	......	2,905	84,890 15 0	Cuddapah.
2,316	—	12	—	—	2,578	2,590	2,785	......	....	Preceding half-yearly Report.
510	6	7	7	—	561	561	......	731	65,468 10 9	Madura.
245	2	—	—	—	271	271	346	......	....	Preceding half-yearly Report.
1,744	—	—	—	—	1,799	1,799	......	2,064	1,10,730 15 8	Malabar (North).
1,885	—	—	—	—	1,941	1,941	2,192	......	....	Preceding half-yearly Report.
1,120	—	—	—	—	1,224	1,224	......	1,519	1,53,793 1 9	Malabar (South).
1,568	—	—	—	—	1,653	1,653	2,031	......	....	Preceding half-yearly Report.
3,150	2	247	9	—	3,470	3,504	......	3,693	2,55,161 9 7½	Masulipatam.
2,702	3	247	9	—	3,090	3,114	3,412	......	....	Preceding half-yearly Report.
609	2	—	—	—	632	642	......	689	7,05,114 2 11	Nellore.
796	6	—	—	—	825	869	915	......	....	Preceding half-yearly Report.
[illegible]	1	—	—	—	4,097	4,097	......	4,246	1,37,457 15 4	Salem.
[illegible]	—	—	—	—	3,888	3,888	4,059	......	....	Preceding half-yearly Report.
—	—	—	—	—	21	21	......	34	10,753 6 0	Seringapatam.
—	—	—	—	—	—	—	24	......	....	Preceding half-yearly Report.
—	—	—	—	—	—	—	—	—	—	Tinnevelly.
[illegible]	[illegible]	110	—	—	[illegible]	[illegible]	362	......	....	Preceding half-yearly Report.
25,972	[illegible]	462	18	—	27,817	[illegible]	[illegible]	30,757	[illegible] 6 10	Total.
[illegible]	[illegible]	[illegible]	[illegible]	—	[illegible]	[illegible]	[illegible]	......	....	Total preceding half-yearly Report.

(Signed) W. OLIVER,
Register.

APPEALS *decided by the Court of Sudder Adawlut, from* 1*st January to* 30*th June* 1822.

Decreed or dismissed	6
Adjusted by Razeenamah	0
Total	6

Sudder Adawlut, Register's Office,
7th October 1822.

(Signed) W. OLIVER,
Register.

APPEALS *decided by the Court of Sudder Adawlut, from* 1*st July to* 31*st December* 1822.

Decreed or dismissed	6
Adjusted by Razeenamah	1
Total	7

Sudder Adawlut, Register's Office,
16th April 1823.

(Signed) W OLIVER,
Register.

APPEALS *remaining undecided in the Sudder Court on the* 1*st January* 1823.

16

Sudder Adawlut, Register's Office,
16th April 1823

(Signed) W OLIVER,
Register.

GENERAL ABSTRACT *of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from* 1*st January to* 31*st December* 1822.

DIVISIONS	ZILLAHS	NUMBER OF TRIALS for 1821.	1822.	TOTAL.	NUMBER OF PRISONERS on whom Sentences have been passed 1821.	1822.	TOTAL Death.	Transportation.	Imprisonment	Released on Security	Released	TOTAL.
Centre Division	Chittoor	..	15	15	..	20	7	4	6	.	3	20
	Bellary	10	2	12	43	2	6	7	3	20	9	45
	Cuddapah	..	6	6	.	17	2	13	2			17
	Chingleput	7	1	8	11	1	1		10	1		12
Northern Division	Masulipatam		12	12	..	95	9	16	25	43	2	95
	Nellore	2	5	7	3	11			3	5	6	14
	Chicacole	4	3	7	13	10	3	8	9	2	1	23
Southern Division	Trichinopoly	..	3	3		3	1	..	1	..	1	3
	Salem		9	9	.	14	4	5	4	[illegible]	..	14
	Combaconum		2	2		11			.	4	7	11
	Madura	.	4	4	..	6	1	2		3	..	6
	Tinnevelly	..	3	3		26		2	20		4	26
Western Division	North Malabar	..	2	2	.	2	2	..	..	..	..	2
	South Malabar	13	7	20	44	15	17	24	8	8	2	59
	Canara	1	5	6	2	7	3	1	2	3	..	9
	Seringapatam	..	3	3	..	3	2	..	1	..	..	3
	Total	37	82	119	116	243	58	82	94	90	35	359

Foujdarry Adawlut, Register's Office,
22d January 1823.

(Signed) W. OLIVER,
Register.

General Abstract Statement *of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from January to July 1823, formed from the Monthly Abstract Registers furnished by them, conformably to Section* 13, *Regulation XIII, A.D.* 1802.

COURTS.	APPEALS.		CAUSES Tried in the first Instance.		Total.	Amount of Property decreed.
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.		
Centre Division	3	..	3	..	6	
Northern Division	13	2	1	5	21	
Southern Division	24	..	2	..	26	—
Western Division	24	1	1	1	27	
Total	64	3	7	6	80	

Sudder Adawlut,
Register's Office,
15th October 1823.

(Signed) W. OLIVER,
Register.

General Statement *of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from July to December* 1823, *from the Monthly Abstract Register furnished by them conformably to Section* 13, *Regulation XIII, A.D.* 1802.

COURTS.	APPEALS.		CAUSES Tried in the first Instance.		Total.	Amount of Property decreed.		
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.		Rupees.	A.	P.
Centre Division	2	..	5	1	8	3,23,007	2	10
Northern Division	9	2	4	5	20	22,78,760	4	8
Southern Division	31	..	1	..	32	15,554	9	4
Western Division	16	..	8	1	25	1,29,239	2	7
Total	58	2	18	7	85	27,46,561	3	5

Sudder Adawlut,
Register's Office,
30th April 1824.

(Signed) W. HUDLESTON,
Register.

General Report *on the Reports furnished by the Provincial Courts, conformably to Section* 14, *Regulation XIII, A.D.* 1802, *of Causes and Appeals remaining undecided in the Courts on the* 1st *January* 1824.

COURTS.	APPEALS.		CAUSES under Trial in the first Instance.		Total preceding half-yearly Report.	Total.	Amount of Property under Litigation.		
							Rupees.	A.	P.
Centre Division	47	..	7	..	......	54	1,08,035	6	7
Preceding half-yearly Report	..	30	..	9	39	......			
Northern Division	60	..	32	..	......	92	27,97,283	15	5
Preceding half-yearly Report	..	61	..	32	93				
Southern Division	25	..	15	..	......	40	4,90,949	10	4
Preceding half-yearly Report	..	38	..	10	48	......			
Western Division	36	..	7	..	......	43	86,702	9	11
Preceding half-yearly Report	..	40	..	15	55	......			
Total	168	..	61	..	......	229	34,82,971	10	3
Total preceding half-yearly Report	..	169	..	66	235				

Sudder Adawlut,
Register's Office,
30th April 1824.

(Signed) W. HUDLESTON,
Register.

General Abstract Statement of Causes decided by the Zillah Courts, from January to June 1823, [illegible] A.D. 1823 [illegible] also the Amount Value of ....

ZILLAHS.	By the JUDGE, in APPEAL from the DECISION of												By the REGISTER, in APPEAL from the DECISION of						TRIED in the First Instance by			
	The Register.		The Collector.		The Sudder Aumeen.		The District Moonsiff.		The Village Moonsiff.		The former Native Commissioners.		The Sudder Aumeen.		The District Moonsiff.		The former Native Commissioners.		[illegible]		The Register.	
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by R[azeenamah].
Bellary......	..	..	..	..	5	..	3	..	..	..	..	..	..	..	2	..	..	..	56	1	35	5
Canara.......	26	..	..	..	9	..	35	..	..	..	..	..	3	..	..	..	..	..	41	1	27	1
Chingleput....	9	1	..	..	13	..	..	1	..	..	..	..	..	..	16	..	..	..	7	2	45	1[?]
Chicacole	13	..	3	..	1	..	6	..	..	..	..	..	3	..	5	1	..	..	14	12	37	1[?]
Chittoor......	7	..	..	..	12	1	25	1	..	..	..	..	..	..	3	..	..	..	19	6	39	[?]
Combaconum..	4	..	..	..	5	..	..	1	..	..	..	..	6	..	3	..	..	..	1	..	36	..
Cuddapah	17	..	..	..	22	2	4	..	..	..	..	..	17	..	17	1	..	..	3	2	47	1
Madura	10	..	..	..	11	..	16	2	..	..	..	..	..	..	..	..	..	..	36	29	..	
Malabar (North)	17	..	..	..	1	..	..	..	..	..	..	..	1	..	..	..	..	..	3	..	39	
Malabar (South)	3	1	..	..	32	..	..	1	..	..	..	..	3	..	47	1	..	..	8	..	16	
Masulipatam..	6	2	..	..	..	..	..	..	..	..	..	..	57	2	1	..	..	..	25	3	29	
Nellore......	..	..	..	..	..	..	..	..	..	..	..	..	18	..	1	..	..	..	..	..	6	
Salem.......	..	..	..	..	7	1	21	..	..	..	..	..	..	..	..	..	..	..	40	3	12	
Seringapatam..	..	..	..	..	7	..	..	..	..	..	..	..	..	..	..	..	..	..	[illegible]	..	15	
Total...	112	4	3	..	125	4	110	6	..	..	..	..	108	2	95	3	..	..	259	59	383	[?]

Sudder Adawlut, Register's Office,
15th October 1823.

from the Monthly Abstract Registers furnished by the Zillah Judge, pursuant to Section 10, Regulation XIII,
... under Decrees passed in those Courts.

TOTAL.	By the Sudder Aumeen, in Appeal from the Decision of the District Moonsiffs.		TRIED in the FIRST INSTANCE by: The Sudder Aumeen.		The District Moonsiff.		The District Punchayet.		The Village Moonsiff.		The Village Punchayet.		The former Native Commissioner.		TOTAL.	TOTAL Native Commissioners.	GRAND TOTAL.	Amount of Property Decreed.		
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.				Rupees.	A.	P.
107	..	..	134	2	3,394	4	1	..	26	..	..	..	..	..	3,561	3,561	3,668	84,637	9	8
143	63	..	168	14	1,173	221	2	..	321	60	19	..	..	..	1,978	2,041	2,184	1,61,510	7	8
109	..	..	79	55	543	401	1	..	69	22	1	..	..	..	1,171	1,171	1,280	90,031	13	5
108	15	3	123	75	573	500	2	1	26	10	..	..	..	..	1,310	1,328	1,436	46,636	0	10
122	2	..	152	162	1,018	769	..	..	232	96	..	..	..	..	2,429	2,431	2,553	1,06,427	12	4
56	..	..	92	14	818	358	..	..	123	34	..	..	..	..	1,439	1,439	1,439	61,535	1	6
144	1	..	225	44	2,627	1,256	2	..	58	22	2	..	..	..	4,236	4,237	4,381	84,005	2	0
105	1	..	75	33	802	863	4	2	17	10	..	1	..	..	1,807	1,808	1,913	85,014	0	8
65	..	..	101	23	269	85	..	..	....	..	..	..	..	..	478	478	543	1,56,689	4	5
118	..	..	219	58	1,647	448	5	1	....	..	..	..	..	..	2,378	2,378	2,490			
131	41	2	43	22	1,116	677	..	1	30	6	..	..	..	..	1,895	1,938	2,069	1,18,945	13	3
29	13	..	22	13	866	1,069	1	..	14	6	..	..	..	..	1,991	2,004	2,033	50,170	10	3
85	..	..	118	18	2,139	895	..	..	164	20	1	..	..	..	3,355	3,355	3,440	54,822	11	5
24	..	..	66	8	....	....	..	..	....	..	..	..	..	..	74	74	98	5,983	9	10
1,840	136	5	1,617	541	16,985	7,546	18	5	1,080	286	23	1	..	..	28,102	28,243	29,583	11,06,410	1	3

(Signed) W. OLIVER,
Register.

GENERAL ABSTRACT STATEMENT *of Causes decided in the Zillah Courts from July to December 1823, formed A.D. 1802; shewing also the Amount Value* ....

ZILLAHS.	By the JUDGE, In APPEAL from the DECISION of												By the REGISTER, in APPEAL from the DECISION of						TRIED in the First Instance by			
	The Register.		The Collector.		The Sudder Aumeen		The District Moonsiff.		The Village Moonsiff.		The former Native Commissioner		The Sudder Aumeen		The District Moonsiff.		The former Native Commissioner.		The Judge.		The Register.	
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.
Bellary	2	..	.	..	6	..	1	1	..	.	..	..	..	..	.	..	..		61	1	73	5
Canara	37	..	.	..	26	..	32	..	..	..	..	..	2	..	3	..	..	..	22		27	..
Chingleput ...	4	..	.	..	31	..	..	..	..	..	..	..		..	18	3	..	..	20	2	43	24
Chicacole ...	11	..	.	.	4		5	..	..	..	..	..	4	3	6	..	..	..	23	15	48	18
Chittoor	7	..	.	.	12	..	23	..	..	..	..		..	..	3	1	..	..	21	3	37	17
Combaconum .	1	..	..	..	3	1	16	4	.	..	..		2	2	14	6	..	..	6	4	10	2
Cuddapah ..	20	..	..	..	13	..	1	..	..	..	..	..	18	1	17	..	..	..	9	2	30	13
Madura	..	..	..	..	5	..	29	4	..	..	..	..	3	3	1	..	..	..	20	13	25	26
Malabar	22		..		3	1	1	..	..	..	..	..	120	7	60	9	..	..	23	6	29	4
Masulipatam ..			.	..	..	..	..	..	..	..	..		27	1	3	1	..	..	18	7	25	9
Nellore	4	..	..		8	..	29	..	..	..	..	..	7	..	14	2	..	..	7	4	9	2
Salem........	5	.	..	..	11	1	16	..	..	..	..		..	..	..	..	..	..	29	4	..	..
Seringapatam .	..	..	..	..	7	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	12	4
Total . ..	113			..	120	3	153	9	..	..	..	..	183	17	139	22	..	..	259	61	368	124

Sudder Adawlut, Register's Office,
30th April 1824.

from the Monthly Abstract Registers furnished by the Zillah Judges, pursuant to Section 10, Regulation XIII, ... of Property held under Decrees passed in those Courts.

TOTAL.	By the Sudder Aumeen, in Appeal from Decision of District Moonsiff.		TRIED in the FIRST INSTANCE by The Sudder Aumeen.		The District Moonsiff.		The District Punchayet.		The Village Moonsiff.		The Village Punchayet.		The former Native Commissioner.		TOTAL.	TOTAL Native Commissioners.	GRAND TOTAL.	Amount of Property decreed.
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.				Rupees. A. P.
150	..	..	161	2	3,902	2	..	..	26	..	2	..	..	..	4,095	4,095	4,245	90,205 10 11
149	117	1	333	33	1,584	221	2	..	309	58	2	..	..	..	2,542	2,660	2,809	1,79,077 9 1
145	..	..	148	100	626	524	1	..	61	70	1	..	..	..	1,531	1,531	1,676	1,06,368 8 11
137	18	2	111	89	618	572	5	1	24	19	..	..	..	..	1,439	1,459	1,596	1,14,173 11 2
124	15	5	131	83	979	729	1	..	265	78	2	..	..	..	2,268	2,288	2,412	1,50,946 8 1
71	..	..	106	71	668	377	..	..	149	28	1	..	..	..	1,400	1,400	1,471	58,272 1 5
124	2	1	318	58	3,354	1,328	..	..	91	47	1	..	..	..	5,197	5,200	5,324	72,192 12 0
129	..	..	34	25	949	819	1	3	120	29	..	..	..	..	1,980	1,980	2,109	1,22,187 11 0
285	97	8	226	37	2,152	699	2	1	..	..	..	..	..	..	3,117	3,222	3,507	1,88,203 2 1
91	34	4	47	69	1,330	767	..	1	82	33	3	6	..	..	2,338	2,376	2,467	1,21,102 10 5
86	7	..	28	19	470	703	1	..	22	21	..	..	..	..	1,264	1,271	1,357	86,591 9 4
66	..	..	104	14	2,663	1,045	..	..	118	14	1	..	..	..	3,959	3,959	4,025	75,200 11 7
23	..	..	110	40	..	..	..	..	..	..	..	..	..	..	150	150	173	6,796 9 3
1,580	290	21	1,857	640	19,295	7,786	13	6	1,267	397	13	6	..	..	31,280	31,591	33,171	13,71,314 3 3

(Signed) W. HUDLESTON,
Register.

General Report *of the Reports furnished by the Zillah Judges, conformably to Section 11, Regulation XIII, 1802, Litigation in*..

ZILLAHS.	Before the JUDGE, in APPEAL from the DECISION of: The Register.	The Collector.	The Sudder Aumeen.	The District Moonsiff.	The Village Moonsiff.	The former Native Commissioner.	Before the REGISTER, in Appeal from the Decision of: The Sudder Aumeen.	The District Moonsiff.	Under TRIAL, before: The Judge.	The Register.	TOTAL before the Judge and Register.	Before the Sudder Aumeens, in Appeal from the Decision of the District Moonsiffs.	Under Trial, in the first instance before the Sudder Aumeens.
Bellary	4	—	7	10	—	—	—	—	56	17	94	—	30
Preceding half-yearly Report	2	—	5	9	—	—	—	—	84	15	115	—	76
Canara	67	—	115	196	—	4	47	3	136	74	642	40	259
Preceding half-yearly Report	88	—	80	238	—	3	63	26	51	139	688	44	377
Chingleput	24	—	55	32	—	—	46	—	41	80	278	—	150
Preceding half-yearly Report	12	—	63	60	—	—	—	4	35	60	234	—	110
Chicacole	21	15	13	26	—	—	44	22	171	25	337	—	42
Preceding half-yearly Report	24	10	11	13	—	—	38	27	87	22	232	7	119
Chittoor	21	—	48	109	—	—	—	16	76	78	348	32	207
Preceding half-yearly Report	19	—	43	137	—	—	—	—	30	63	292	3	231
Combaconum	5	—	16	61	—	—	9	35	60	9	195	—	207
Preceding half-yearly Report	5	—	10	41	—	—	14	54	42	15	181	—	118
Cuddapah	24	—	23	6	—	—	83	27	41	56	260	3	300
Preceding half-yearly Report	26	—	49	13	—	—	53	26	31	42	240	4	295
Madura	4	1	11	34	—	—	—	—	43	24	117	—	29
Preceding half-yearly Report	—	—	14	37	—	—	—	—	47	39	137	—	36
Malabar	39	—	32	—	—	—	75	28	36	41	251	31	94
Preceding half-yearly Report	49	—	68	92	—	—	81	96	53	30	469	—	181
Masulipatam	3	—	—	—	—	—	14	12	16	28	73	28	64
Preceding half-yearly Report	—	—	—	—	—	—	35	4	30	28	97	26	61
Nellore	5	—	10	22	—	—	1	32	33	16	119	3	31
Preceding half-yearly Report	—	—	—	2	—	—	8	6	6	7	29	1	4
Salem	14	—	45	67	—	—	—	—	44	65	235	1	155
Preceding half-yearly Report	18	2	34	42	—	—	—	—	172	5	273	—	36
Seringapatam	4	—	—	—	—	—	2	—	5	6	17	—	36
Preceding half-yearly Report	4	—	—	—	—	—	2	—	4	10	20	—	19
Total	235	16	375	563	—	4	321	175	758	519	2,966	138	1,602
Total preceding half-yearly Report	247	12	377	684	—	3	294	243	672	475	3,507	85	1,663

Sudder Adawlut, Register's Office, 30th April 1824.

of Causes depending in their Courts on the 1st January 1824; shewing also the estimated Amount of Property in their Courts.

Under TRIAL, in the first Instance before the District Moonsiffs.	District Punchayets.	Village Moonsiffs.	Village Punchayets.	Former Native Commissioners.	TOTAL.	TOTAL, Native Commissioners.	TOTAL preceding Half-yearly Report.	GRAND TOTAL.	AMOUNT of Property under Litigation.	ZILLAHS.
									Rupees. A. P.	
1,462	[illegible]	18	—	—	1,512	1,512	......	1,606	39,829 12 4	Bellary.
1,510	2	22	—	—	1,610	1,610	1,725	......	....	Preceding half-yearly Report.
[illegible]	—	—	—	—	5,426	5,466	......	6,108	4,16,103 8 0	Canara.
5,593	—	—	—	—	5,970	6,014	6,702	......	....	Preceding half-yearly Report.
874	5	—	—	—	1,029	1,029	......	1,807	1,51,298 13 9	Chingleput.
860	6	—	—	—	976	976	1,210	......	....	Preceding half-yearly Report.
1,491	4	41	1	—	1,579	1,579	......	1,916	2,45,741 15 10	Chicacole.
1,534	7	19	1	—	1,680	1,687	1,919	......	....	Preceding half-yearly Report.
1,471	—	—	—	—	1,681	1,713	......	2,061	1,84,941 4 11	Chittoor.
1,372	—	—	—	—	1,603	1,606	[illegible]	......	....	Preceding half-yearly Report.
1,033	2	216	3	—	1,461	1,461	......	1,656	1,71,840 6 11	Combaconum.
881	1	184	1	—	1,185	1,185	1,360	......	....	Preceding half-yearly Report.
2,864	1	24	—	—	3,189	3,192	......	3,452	1,31,212 13 6	Cuddapah.
2,680	—	34	—	—	3,009	3,013	3,253	......	....	Preceding half-yearly Report.
608	10	82	1	—	730	730	......	847	84,538 10 9	Madura.
673	8	96	1	—	814	814	951	......	....	Preceding half-yearly Report.
2,262	—	—	—	—	2,356	2,387	......	2,638	2,16,313 10 5	Malabar.
2,103	—	—	—	—	2,284	2,284	2,753	......	....	Preceding half-yearly Report.
1,745	2	226	3	—	2,040	2,068	......	2,141	1,82,861 3 9	Masulipatam.
2,516	3	247	9	—	2,836	2,862	2,959	......	....	Preceding half-yearly Report.
500	3	—	—	—	534	537	......	656	69,098 0 11	Nellore.
558	2	—	—	—	564	565	594	......	....	Preceding half-yearly Report.
3,233	1	—	—	—	3,389	3,390	......	3,625	1,60,383 7 11	Salem.
3,572	1	—	—	—	3,609	3,609	3,882	......	....	Preceding half-yearly Report.
—	—	—	—	—	36	36	......	53	14,919 8 8	Seringapatam.
—	—	—	—	—	19	19	39	......	....	Preceding half-yearly Report.
22,715	30	607	8	—	24,962	25,100	......	28,066	20,69,083 5 8	Total.
23,852	30	602	12	—	26,159	26,244	29,251	......	....	Total preceding half-yearly Report.

(Signed) W. HUDLESTON, Register.

APPEALS *decided by the Court of Sudder Adawlut from 1st January to 30th June 1823.*

Decreed or dismissed	8
Adjusted by Razeenamah	0
Total	8

Sudder Adawlut, Register's Office,
15th October 1823.

(Signed) W. OLIVER,
Register.

APPEALS *decided by the Court of Sudder Adawlut from the 1st July to 31st December 1823.*

Decreed or dismissed	2
Adjusted by Razeenamah	0
Total	2

Sudder Adawlut, Register's Office,
30th April 1824.

(Signed) W. HUDLESTON,
Register.

NUMBER *of* APPEALS *remaining undecided in the Sudder Court on the 1st January 1824.*

18

Sudder Adawlut, Register's Office,
30th April 1824.

(Signed) W. HUDLESTON,
Register.

GENERAL ABSTRACT *of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from 1st January to 31st December 1823.*

DIVISIONS	ZILLAHS	NUMBER of TRIALS for			NUMBER of PRISONERS on whom Sentences have been passed							
							TOTAL					TOTAL.
		1822.	1823.	TOTAL.	1822.	1823.	Death.	Transportation	Imprisonment	Released on Security	Released	
Centre Division	Chittoor	1	7	8	1	12	1	1	9	1	1	13
	Bellary	8	4	12	16	11	5	3	16	1	2	27
	Cuddapah	10	7	17	37	12	8	4	16	13	8	49
	Chingleput	3	7	10	11	24	1	.	4	3	27	35
Northern Division	Masulipatam	8	12	20	9	46	2	32	12	9		55
	Nellore	.	12	12	.	27	4	4	7	..	12	27
	Chicacole	8	11	19	80	35	4	77	4	7	23	115
Southern Division	Salem		15	15		27	10	5	6	3	3	27
	Combaconum		3	3	..	3	2	..	1	..	..	3
	Madura	5	4	9	41	6	1	31	9	5	1	47
Western Division	North Malabar	1	3	4	1	20	3	10	1	7		21
	South Malabar	20		20	38		18	4	2	14	..	38
	Malabar	..	9	9	.	23	1	7	6	7	2	23
	Canara	2	11	13	7	29	6	15	12	1	2	36
	Total	66	105	171	241	275	66	193	105	71	81	516

Foujdarry Adawlut, Register's Office,
19th January 1824.

(Signed) W. HUDLESTON,
Register.

GENERAL ABSTRACT STATEMENT *of Appeals and Causes determined or adjusted by the Provincial Courts of Appeal, from 1st January to 30th June* 1824, *formed from the Monthly Abstract Registers furnished by them, conformably to Section* 12, *Regulation XIII, A.D.* 1802.

COURTS.	APPEALS		CAUSES tried in the first Instance.		TOTAL.	Amount of Property decreed.
	Decreed or dismissed	Adjusted by Razee-namah	Decreed or dismissed.	Adjusted by Razee-namah.		
Centre Division	7	..	1	..	8	
Northern Division	6	2	3	.	11	—
Southern Division	11	.	2	1	14	
Western Division	15		1	1	17	
Total	39	2	7	2	15	

Sudder Adawlut,
Register's Office,
8th Nov. 1824.

(Signed) W. HUDLESTON,
Register.

General Abstract Statement *of Causes decided in the Zillah Courts, from January to June* 1824, *formed* *A.D.* 1802; *shewing also the Amount Value of*..

ZILLAHS.	By the JUDGE, in APPEAL from the DECISION of,												By the REGISTER, in APPEAL from the DECISION of						TRIED in the First Instance by			
	The Register.		The Collector.		The Sudder Aumeen.		The District Moonsiff.		The Village Moonsiff.		The former Native Commissioner.		The Sudder Aumeen.		The District Moonsiff.		The former Native Commissioner.		The Judge.		The Register.	
	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.	Decreed or dismissed.	Adjusted by Razeenamah.
Bellary......	2	..	..	..	6	..	4	1	..	..	..	..	..	..	12	..	..	..	41	2	27	2
Canara......	24	..	..	..	37	1	5	..	..	..	..	..	26	..	2	..	..	..	31	..	53	5
Chingleput....	1	..	..	..	..	..	..	..	..	..	..	..	..	..	6	..	..	..	3	..	6	6
Chicacole	..	1	1	..	1	1	1	..	..	..	..	..	1	2	4	..	..	..	39	13	30	14
Chittoor......	3	..	..	..	23	..	15	2	..	..	..	..	1	..	12	..	..	..	12	12	18	12
Combaconum..	..	..	..	..	4	..	3	..	..	..	..	..	4	..	..	1	..	..	5	6	6	2
Cuddapah	18	..	..	..	2	1	1	..	..	..	..	..	23	2	11	..	..	..	14	..	32	4
Madura	3	..	..	..	9	..	34	3	..	..	..	..	1	..	1	..	..	..	17	18	26	26
Malabar......	23	..	..	..	1	..	..	..	..	..	..	..	73	1	21	..	..	..	9	1	46	6
Masulipatam ..	..	..	..	..	..	..	..	..	..	..	..	..	19	..	14	..	..	..	7	1	21	14
Nellore.......	1	..	..	..	6	..	16	..	..	..	..	..	1	..	7	1	..	..	10	15	7	6
Salem........	10	1	..	..	15	..	15	..	..	..	..	..	7	..	1	1	..	..	15	1	36	6
Seringapatam..	..	..	..	..	..	..	..	..	..	..	..	..	4	..	..	..	..	..	..	..	20	1
Total....	85	2	1	..	104	3	94	6	..	..	..	..	160	5	91	3	..	..	203	69	328	104
Total preceding half-yearly Abstract Statement	113	..	..	..	120	3	153	9	..	..	..	..	183	17	139	22	..	..	259	61	368	124

Sudder Adawlut, Register's Office, 8th November 1824.

[illegible] Section [illegible] XLII, [illegible] Courts.

TOTAL [illegible] and [illegible]	Court of the District Moonsiff, Decreed	Court of the District Moonsiff, Adjusted	[illegible] Ameen, Decreed	[illegible] Ameen, Adjusted	The [illegible] Moonsiffs, Decreed	The [illegible] Moonsiffs, Adjusted	The District Punchayet, Decreed	The District Punchayet, Adjusted	The Village Moonsiff, Decreed	The Village Moonsiff, Adjusted	The Village Punchayet, Decreed or dismissed	The Village Punchayet, Adjusted by Razeenamah	[illegible], Decreed or dismissed	[illegible], Adjusted by Razeenamah	TOTAL	TOTAL Native Commissioners	GRAND TOTAL	Amount of Property Decreed, Rupees	A.	P.
97	[illegible]	[illegible]	86	3	3,521	[illegible]	[illegible]	[illegible]	..	..	..	..	..	..	3,613	3,613	3,710	77,010	9	8
184	125	[illegible]	[illegible]	37	2,314	[illegible]	..	..	299	33	2	..	..	..	3,271	3,408	3,592	2,21,472	12	11
22	..	[illegible]	94	[illegible]	[illegible]	507	1	..	86	98	..	..	..	..	1,437	1,437	1,459	70,762	3	10
108	..	[illegible]	39	15	400	426	..	1	23	10	..	..	..	..	914	914	1,022	1,05,509	13	2
110	24	2	80	58	1,225	777	..	..	269	41	..	..	..	..	2,450	2,476	2,586	1,15,350	7	3
81	24	6	91	52	973	460	2	..	106	24	..	..	..	..	1,708	1,738	1,769	94,284	11	11
108	2	..	225	39	3,056	1,053	1	[illegible]	16	..	..	..	..	..	4,390	4,392	4,500	77,111	12	6
138	..	[illegible]	[illegible]	26	929	670	3	..	54	29	..	..	..	..	1,946	1,946	2,084	1,10,151	10	2
181	78	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	..	..	..	..	3,074	3,155	3,336	1,56,079	1	9
[illegible]	19	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	44	22	..	1	..	..	2,196	2,219	2,295	81,464	11	9
[illegible]	5	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1	3	35	34	1	..	..	..	1,420	1,425	1,495	74,775	14	7
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	148	24	1	..	..	..	4,018	4,026	4,134	96,139	4	7
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	..	..	..	..	[illegible]	79	79	104	5,512	8	4
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	315	4	1	..	..	30,516	30,828	32,086	12,85,625	10	5
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	6	..	..	31,280	31,591	33,171	13,71,314	3	3

(Signed) W. HUDLESTON,
Register.

APPEALS decided by the Court of Sudder Adawlut, from 1st January to 30th June 1824.

Decreed or dismissed . . . [illegible]
Adjusted by Razeenamah . . . 0

Total . . . 8

Sudder Adawlut, Register's Office,
8th November 1824.

(Signed) W. HUDLESTON,
Register.

GENERAL ABSTRACT *of Criminal Trials on which Sentences were passed by the Foujdarry Adawlut, from 1st January to 31st December 1824.*

DIVISIONS.	ZILLAHS.	NUMBER OF TRIALS 1823.	1824.	TOTAL.	NUMBER OF PRISONERS on whom Sentences have been passed. 1823.	1824.	TOTAL. Death.	Transportation.	Imprisonment.	Released on Security.	Released.	TOTAL.
Centre Division	Chittoor	7	11	18	11	69	5	10	46	12	7	80
	Bellary	8	3	11	18	4	5	3	6	3	5	22
	Cuddapah	10	18	28	15	116	4	67	39	15	6	131
Northern Division	Masulipatam	5	13	18	10	167	3	12	120	..	42	177
	Nellore	..	27	27	..	105	2	5	63	19	16	105
	Chicacole	19	7	10	42	9	2	9	15	4	21	51
Southern Division	Salem	..	11	11	..	21	1	2	4	1	13	21
	Madura	..	10	10	..	26	4	3	8	4	7	26
	Combaconum	..	4	4	..	31	1	11	2	17	..	31
Western Division	Malabar	15	7	22	36	9	9	5	8	8	15	45
	Canara	17	11	28	56	27	4	12	29	12	26	83
	Total	74	122	196	188	584	40	139	340	95	158	772

Foujdarry Adawlut, Register's Office,
22d January 1825.

(Signed) W. HUDLESTON,
Register.

BOMBAY JUDICIAL SELECTIONS.

REPORT *of the Honourable* MOUNTSTUART ELPHINSTONE *to the* GOVERNOR GENERAL,

Dated the 25th October 1819.

Report of the Hon. M. Elphinstone, 25 Oct. 1819.

Deccan.

My Lord,

I have the honour to submit to your Excellency a report on the present state of the country under my charge, with a statement of the measures already adopted in it, and suggestions regarding others which I have not had time or opportunity to introduce.

In drawing up this report, I have availed myself of the ample information derived from the gentlemen in charge of the districts; I have also received much information from Lieutenant Macleod, of the Bombay Engineers, now employed with the Commissioner; and from Mr. Coats, whose long familiarity with the Mahrattas has rendered him conversant with every thing relating to their institutions and character.

I have already frequently had occasion to dwell on the merits of the civil and military officers with whom I have been so fortunate as to be associated in the settlement of this country, and their services have come directly under your Excellency's observation from copies of the despatches which I have transmitted; but it remains to me, in transmitting my last report to your Excellency, to acknowledge the assistance I have received from the gentlemen immediately attached to the Commission.

My own inexperience in all the business of revenue and of internal administration rendered Mr. M'Donald's thorough acquaintance with those duties of the utmost importance to me; and I am, besides, indebted to him for his great attention to his immediate duties, especially in the superintendence of the Peishwa's Dufter, and in the task of examining and assigning the various jagheers given up to the civil and military officers of the old government.

I am under great obligation to Captain Tovey, not only for his zeal and attention to his own laborious duties, but for the advantage I derived from his sound judgment on the many occasions on which I have consulted him.

Captain James was entrusted with the entire management of the Department of Accounts, and conducted all the financial arrangements that were required in this territory. The skill and attention with which his important duties have been discharged has given me the utmost satisfaction.

I cannot close this report without offering to your Lordship my sincere acknowledgments for the confidence you have reposed in me, and for the support you have afforded me, by which every difficulty has been removed that could have opposed my endeavours to carry your instructions into effect; of this and of the indulgent views your Lordship has been pleased to take of my conduct, I shall ever retain a grateful remembrance.

I have, &c.

Poona, 25th October 1819.

(Signed) M. ELPHINSTONE, Commissioner.

Description

Report of the Hon. M. Elphinstone, 25 October 1819.

Description of the Country.

The whole extent of the country under the Commissioner may be very roughly estimated at fifty thousand square miles, and the population may be guessed at four millions, but this does not include any of the detached territories beyond the Nizam's frontier.

Deccan.

The grand geographical feature of this tract, is the chain of ghauts which run along the western boundary for its whole length; between this range and the sea lies the Concan, now under Bombay. It extends from forty to fifty miles in breadth, includes many fertile places, producing abundance of rice, but in general is very rough, and much crossed by steep and rocky hills; towards the ghauts the country is in most places extremely strong, divided by hills, intersected by ravines, and covered with thick forest; the range itself is from two to four thousand feet high, extremely abrupt and inaccessible on the west. The passes are numerous but steep, and very seldom passable for carriages. The table-land on the east is nearly as high as many parts of the ridge of the ghauts, but in general the hills rise above it, to the height of from a thousand to fifteen hundred feet. The table-land is for a considerable distance rendered very strong by numerous spurs issuing from the range, among which are deep winding rugged valleys, often filled with thick jungle. Further east, the branches from the ghauts become less frequent, and the country becomes more level till the neighbourhood of the Nizam's frontier, where it is an open plain.

Coolies, Bheels, &c.

The northern part of the chain of ghauts, and the country at its base, especially to the west, is inhabited by Bheels. The Coolies, who somewhat resemble the Bheels, but are less predatory and more civilized, inhabit the part of the range to the south of Baughand, and the country at its base on the west, as far south as Bassein. They are also numerous in Guzerat. The Bheels possess the eastern part of the range, and all the branches that run out from it towards the east, as far south as Poona; they even spread over the plains to the east, especially on the north of the Godavery, and are found as far off as the neighbourhood of the Wurda. On the north they extend beyond the Taptee and Nerbudda, and are numerous in the jungles that divide Guzerat from Malwa, as well as in all the eastern parts of Guzerat. They are a wild and predatory tribe, and though they live quietly in the open country, they resume their character whenever they are settled in a part that is strong, either from hills or jungle. The Bheels differ from the other inhabitants in language, manners, and appearance; they are small and black, wear little clothes, and always carry bows and arrows. In appearance they much resemble the mountaineers of Baugulpoor. The Bheels and Coolies, when in the hills or strong places, live under naiks or chiefs of their own, who have some influence over those in the neighbouring plains. These chiefs have in general been little interfered with by the Mahratta Government, more than was necessary to prevent the depredations of their followers. South of Poona the Bheels are succeeded by the Ramoosees, a more civilized and subdued tribe; they do not inhabit the main range of ghauts, but the branches stretching out to the eastward. They have the same thievish habits as the Bheels, but have no language of their own, are more mixed with the people, and in dress and manners are more like Mahrattas. They are of more consequence than elsewhere in the hills joining the ghauts south of Sattara, where they lately acted so prominent a part in taking forts and plundering the country under the false Chittoor Sing. They do not extend further south than Colapore, or further east than the line of Beejapoor.

Hill tribes like those mentioned have generally proved quiet when the government was vigorous, and while they were managed through their native chiefs. We perhaps lose some hold on them by the destruction of so many of the hill forts which were situated in the midst of their mountains, and served to watch and curb their disposition to plunder.

Nemaur.

The districts belonging to the Peishwa in Nemaur being under charge of Sir J. Malcolm, I have no opportunity of inquiring regarding them. Their

importance

importance is small, yielding only 25,000 rupees; and if it is not found necessary for securing the peace of Nemaur that we should have some territory there, they might be well disposed of in exchanges.

Candeish.

Our most northern district would then be Candeish. This province is bounded on the north by the Sautpoora or Injadhee range of mountains, and on the south by the range on which are the fort of Chandore and the ghaut of Adjunta; on the south-west it is bounded by the range of Syadree, commonly called the Ghauts, at the termination of which, south of the Taptee, is the hilly tract of Bauglauna. The plain of Candeish descends towards the Taptee from the hills on the north and south (especially from the south); on the east it is bounded by Scindia's and the Nizam's territories on the plain of Berar; and on the west the plain along the Taptee extends, without interruption, from the hills to the sea: but it is divided from the rich country about Surat by a thick and extensive jungle. Though interspersed with low ranges of unproductive hills, the bulk of the province is exceedingly fertile, and it is watered by innumerable streams, on many of which expensive embankments have formerly been erected for purposes of irrigation. Some parts of the province are still in a high state of cultivation, and others more recently abandoned convey a high notion of their former richness and prosperity; but the greater part of Candeish is covered with thick jungle, full of tigers and other wild beasts, but scattered with the ruins of former villages. The districts north of the Taptee in particular, which were formerly very populous and yielded a large revenue, are now almost an uninhabited forest. The decline of this province from the flourishing condition which it had long since attained under its Mahommedan masters, is to be dated from the year 1802, when it was ravaged by Holkar's army. This blow was followed by the famine in 1803, and its ruin was consummated by the misgovernment of the Peishwa's officers. The Bheels, who had before lived mixed with the other inhabitants, and had as village watchmen been the great instruments of police throughout Candeish, withdrew to the surrounding mountains, whence they made incursions, and carried off cattle and prisoners from the heart of the province. The Pindarries annually ravaged the open country; various insurgents plundered at the head of bodies of horse, and parties of Arabs established themselves in some of the numerous fortresses and ghurries with which Candeish abounds, and laid all the neighbourhood under contribution.

The expulsion of the Arabs was a natural consequence of the war, and no parties of plundering horse were able to keep the field; but the settlement of the Bheels was a work of more time and difficulty. Those in the Sautpoora mountains were the most formidable, as that range, though not perhaps above one thousand five hundred feet high, is deep and strong, and so unhealthy that no stranger can long remain on it. The plan adopted by Captain Briggs, and zealously executed by Lieutenant-Colonel Jardine, was to stop the supplies of the Bheels, which are all drawn from the plain, to cut off any parties that attempted to issue to plunder, and to make vigorous attacks on the points in the hills to which the principal Bheel chiefs had retired. These measures soon reduced the Bheels to accept the very favourable terms held out to them, which were to forbear their depredations, the chiefs receiving pensions and allowances for a certain number of men, and binding themselves to restrain the excesses of their people.

The same plan was carried through, with less exertion, with the Bheels of the Chandore range and with the Bheels and Coolies in Baugland. The terms have occasionally been broken by some chiefs, but on the whole they have succeeded beyond my most sanguine expectations, and have effectually delivered the province from this species of invasion. The only attacks of the Bheels are now made in parties of three or four, who rob passengers. These outrages have been resisted by the police, and are stated by Captain Briggs to be greatly on the decline. I have little doubt that a continuance of his vigilance, together with the liberal provision authorized by Government for the Bheels watchmen, will soon completely extinguish the remains of these disorders.

The effectual protection of the people is the first and most important step towards restoring the prosperity of Candeish; but from the havoc that has been

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been made among the population, a long period must elapse before it can show any great signs of improvement. A very light assessment, and the favourable terms on which waste land is granted to speculators, will, it is hoped, accelerate this crisis, and not only draw back the natives of Candeish who have retired to Guzerat and other countries, but even attract new settlers from places where the population is over-abundant.

Captain Briggs has applied himself with great zeal to the improvement of the district, and has adopted and suggested various plans for that purpose. Among these, a principal one is the repair of the embankments, and the fears of their falling into irretrievable ruin is a strong motive for commencing on this undertaking early; but at present the great want of Candeish is in population, and where waste land is abundant people are more likely to be attracted by the easy terms on which that is granted, than by the richness of lands irrigated by means of dams, where, from the necessity of repaying Government for the expenses of erecting and maintaining them, the condition of the cultivator has generally been observed to be worse than on land which has not the advantage of these costly improvements. Captain Briggs describes the people of Candeish as peaceable and inoffensive, but timid, helpless, unenterprizing, and sunk under the oppression and the multiplied calamities to which they have so long been exposed; but this, of course, only applies to the trading and agricultural classes, the soldiery (of whom part were till lately the predatory body called Barrabye, in Holkar's service, and the rest must have often joined insurgents and even Pindarries) are doubtless bold and restless enough.

Mahratta Country, including the Districts of Ahmednuggur, Poona, and Sattara.

Candeish is low and hot. Gungterry, which joins it on the south, is from fifteen hundred to two thousand feet above the level of the Taptee, and the rest of the conquered territory (except the Concan) is on the same table-land. From this to the Kistna, or rather the Wârna and Kistna, is comprehended in the districts of Admednuggur and Poona, and the Rajah of Sattara's territory. The western half of all this tract is hilly, the valleys rich and highly cultivated, and the country diversified and beautiful. Further east are plains, but not all in the same condition. The east of Gungterry, though open and fertile, is almost entirely uninhabited since the famine in 1803; the country between that and Ahmednuggur is better, and the plains south of Ahmednuggur are, for many marches in all directions, one sheet of the richest cultivation. I do not know the state of the south-east of that district towards Colapore, but I imagine it is equally prosperous. The country beyond the Neera is in a very different state, thinly peopled and badly cultivated. It is in this tract that most of the horses in the Mahratta country are bred, and that most of the Silladars or military adventurers reside. The principal towns in the Peishwa's late dominions are between Candeish and the Kistna, but none of them are considerable. Poona may be reckoned to contain about a hundred and ten thousand inhabitants, having lost from a tenth to a fifth since the removal of Bajee Rao with his court and army. Nassick does not contain more than a fourth of this number. Punderpoor is still smaller than Nassick, and the rest all much smaller than Punderpoor. Ahmednuggur, however, must be excepted, which is reckoned to contain twenty thousand souls, and is increasing rapidly.

This tract is the oldest possession of the Mahratta Government, and is by far the most decidedly Mahratta in the composition of the inhabitants. The character of that people is fully depicted in the answers to the queries which I sent to the Collectors, especially in Captain Grant's.

The Brahmins, who have long conducted all the business of the country, are correctly described by Mr. Chaplin as "an intriguing, lying, corrupt, "licentious and unprincipled race of people!" To which Captain Grant adds, with equal truth, "that when in power they are coolly unfeeling and syste- "matically oppressive," and now "generally discontented, and only restrained "by fear from being treasonable and treacherous." They are superstitious and narrow in their attachment to their caste, to a degree that has no example elsewhere; but they are mild, patient, intelligent on many subjects, even liberal and enlightened; and though regardless of sufferings which they may indirectly produce, they are naturally very averse to cruelty and bloodshed.

There

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There are among them many instances of decent and respectable lives; and although they are generally supple and insincere, I have met with some on whom I could depend for sound and candid opinions.

The Mahratta chiefs while in power, and especially while with armies, are generally coarse, ignorant, rapacious and oppressive.

Those settled in their own country, and unconnected with courts and armies, bear a much better character, being sober, industrious, and encouragers of agriculture. It must, indeed, be remembered, both of this class and of the Brahmins, that we see the very worst of the whole, and that it is among those at a distance from the seat of Government that we are to look for any virtue that may exist in the nation.

The soldiery so much resemble the chiefs, that individuals of the two classes might change places without any striking impropriety. The chiefs, of course, are more vicious, and probably more intelligent. The Mahratta soldiery love war, as affording opportunities for rapine in an enemy's country, and marauding in a friend's. In battle they seem always to have been the same dastardly race; but they are active, hardy, vigilant, patient of fatigue and privations, and though timid in action they shew great boldness and enterprize in their incursions into distant countries; and on all occasions they appear to have the greatest confidence in their horses, though little or none in their swords. Their plan in a campaign is to avoid general engagements, to ravage their enemy's country, and to cut up convoys and detachments; in an action it is to disperse when attacked, and to return to the charge when the enemy has broken, to plunder; by these means they are enabled to prevail against better troops than themselves. In all of these people we, of course, have mortal enemies, and might have formidable opponents: they have been ruined by their regular armies and equipments, by their fears of losing their wealth and their territories, and by some approaches to regular government among their chiefs; but if they were once reduced to desperation, and were again the same lawless freebooters that they were in the beginning of their career, they might not only occasion a long and expensive struggle, but might be the most dangerous opponents that Asia could produce to the valour and discipline of Europe. The Mahratta peasantry have some pride in the triumphs of their nation, and some ambition to partake in its military exploits; but although circumstances might turn them into soldiers or robbers, at present their habits are decidedly peaceful: they are sober, frugal, industrious, mild and inoffensive to every body, and among themselves neither dishonest nor insincere. The faults of their government have, however, created the corresponding vices in them; its oppression and extortion has taught them dissimulation, mendacity, and fraud; and the insecurity of property has rendered them so careless of the future, as to lavish on a marriage, or other ceremony, the savings of years of parsimony. The first class of these vices, though prevalent throughout the whole in their dealings with Government, is more conspicuous among the Patells and others who are most brought into contact with their rulers; and the effects of the second are felt in the debts and embarrassments in which the whole of the agricultural population is plunged.

It may be observed in conclusion, that the military Brahmins combine part of the character of Mahratta soldiers with that of their own caste, and that the character of the Mahratta soldiery, in like manner, runs into that of the cultivator. Taking the whole as a nation, they will be found to be inferior to their Mahommedan neighbours in knowledge and civilization, in spirit, in generosity, and perhaps in courage; but less tainted with pride, insolence, tyranny, effeminacy, and debauchery; less violent, less bigoted, and (except while in armies on foreign service) more peaceable, mild, and humane.

Mahratta Carnatic.

The country south of the Kistna, or as the Mahrattas call it the Carnatic, has few hills and few places incapable of cultivation, except in the immediate neighbourhood of the Ghauts. It consists of extensive plains of black or cotton ground; a large portion of it is, however, uncultivated, especially of the parts which have been under the government of Gokla and Appa Dessye.

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Dessye. The high cultivation of the Putwurduns lands has often been mentioned. It is, no doubt, owing in a great measure to their good management; but in a great measure likewise to the oppression of their neighbours, which drove every man who could easily move into their lands. There are no large towns in this part of the country; Hoobly is, I believe, the largest, and I have heard it estimated at 15,000 souls. The towns of Belgaum and Shahpoor, which though nearly contiguous, belong one to Government and one to Chintamun Row, may amount together to thirteen or fourteen thousand inhabitants. I have not heard of any other town in this district that contains more than five thousand inhabitants.

Both this division and Beejapoor are inhabited by Canarese, who retain their own language and manners. The Mahrattas are reckoned by Mr. Chaplin to constitute no more than an eighth, or a tenth of the inhabitants; what there is of them seems to consist of soldiers and Brahmins, with a full share of the vices of those classes. The Canarese Mr. Chaplin describes as resembling their countrymen in the Ceded Districts, but as being more honest, manly, and courageous, though less mild, hospitable, and humane: both are equally industrious and frugal.

The Carnatic was, at no distant period, overrun with independent Dessyes or Polygars, but these have all been gradually swallowed up by the Mahrattas, and the Dessye of Kettoor is the only one who still retains his possessions. The people have always been considered by the Mahrattas to be turbulent and disaffected, which they shewed in several rebellions, and particularly in readily joining General Munro to expel their rulers.

They seem now to be perfectly quiet and well affected.

The general use of shait sunneedees, or landed militia, which is so common in Mysore, is only found in this part of the conquered territory.

Sketch of the Mahratta History.

The whole of the territory above described does not belong to the British Government, and what does belong to it is not all under our immediate administration. The other possessors of independent territory are the Rajah of Sattara, the Rajah of Colapore, and, on a smaller scale, the Nizam, Scindia, Holkar, the Rajah of Berar, and the Guicowar. The lands held by dependent chiefs belong to Angria, the Punt Suchem, the Prittee Nedhee, the Putwardhuns, and other Jagheerdars. To give an idea of the situation of all these chiefs, and indeed of the general state of the country, it is necessary to take a hasty view of the history of the Mahrattas.

The Mahratta language and nation extend from the Injadry or Sautpoora mountains nearly to the Kistna, and from the sea on the west to a waving frontier on the east, which may be tolerably indicated by a line drawn from Goa to the Wurda, near Chanda, and thence along that river to the Sautpoora mountains. The whole of the territory was probably under a Mahratta king, who resided at Deeoghuree, now Dowlatabad; but this empire was subverted in the beginning of the fourteenth century by the Mahommedans, and remained under various dynasties of that religion until the end of the seventeenth century, when the greater part was delivered by Sewajee and his successors. The eastern part still remains under the Moguls.

The grandfather of Sewajee was of very humble origin, but his father had attained a considerable rank under the kingdom of Beejapoor, had been entrusted with a government, and profiting by the weakness of the king's power, had rendered himself nearly independent in the southern part of the Beejapore dominions. The same weakness encouraged Sewajee to rebel and plunder the country; and he was enabled, by the increasing confusions in the Deccan, to found a sort of government, which the desultory operations of Aurengzebe, distracted by his numerous and simultaneous foreign wars, allowed him time to consolidate. His rebellion began about 1646; he declared himself independent in 1674, and at his death, about 1682, he was possessed of great part of the Concan; the rest being in the hands of the Moguls of Surat, or in those of the Portuguese, or held for the Beejapoor government by the Siddies or Abyssinians of Gingera. He seems also to have

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have possessed the greater part of the line of ghauts, and to have shared with the Mahommedans the tract immediately to the east of those mountains, as far north as Poona, and as far south as Colapore.

Most of these possessions were wrested from his son, who was reduced to the hills and part of the Concan, when Aurengzebe was drawn off to the subversion of the monarchies of Golconda and Beejapoor. The convulsions occasioned by the extinction of those states completely unsettled the country, and threw a large portion of the armies, which had hitherto maintained tranquillity, into the scale of the Mahrattas, to whom the Zemindars throughout the Deccan also appear to have been inclined. The consequence was, that although on the execution of Sumbajee, the son of Sewajee, in 1689, his son and heir, Sahoojee, fell into the hands of the Moguls, and his younger brother, Raja Ram, who succeeded him, was shut up in the fort of Gingee, south of Arcot, so that, for several years, the Mahrattas had no efficient head, yet they were able under different leaders to withstand, and at length to deride the efforts of the Moguls, which were enfeebled by the factions of the generals and the declining age of the emperor, till the year 1707, when the death of Aurengzebe, and the contests among his successors, set them free from all danger on the part of the Moguls. The chiefs left in charge of the Deccan first faintly opposed, and then conciliated the Mahrattas. A truce was concluded about 1710, by which they yielded the choute; and this, or the confirmation of the agreement, together with a formal grant of their territorial possessions by the emperor in 1719, may be considered as the final establishment of the Mahratta Government, after a struggle of at least sixty years.

During the period between the death of Aurengzebe and the confirmation of the choute, &c., a great revolution had taken place among the Mahrattas. Sahoo Raja, son of Sumbajee, was released in 1708, but on his return to the Deccan he found himself opposed by his cousin Sewajee, son of Raja Ram. This prince had succeeded on the death of his father in 1700, but being either very weak, or entirely deranged in his intellects, his affairs were conducted by his mother, Tarow Bye. Sahoo Rajah was enabled, chiefly by the good conduct of his minister, Ballajee Wisswanaut, to gain over Canojee Angria, the chief support of his rival's cause, and to seat himself on the Mahratta musnud. He immediately appointed Ballajee to the office of Peishwa, which had before belonged to the family of Pinglia, but was forfeited by its possessor's adherence to the cause of Tarow Bye. Sahoo Raja being incapacitated by his mental imbecility from exercising the authority with which he was invested, the entire administration devolved on Ballajee Wisswanaut.

At the time of the confirmation of the choute, although the Mahrattas had numerous claims over several of the provinces possessed by the Moguls, their actual territory does not appear to have extended beyond the narrow limits to which it had reached under Sewajee. The Mogul's grant, confirming their possessions, enumerates the districts, by which it appears that they extended in the Concan from the Goa territory to a point considerably to the south of Demaun; while above the ghauts they only reached from the Gatpunba to the river Kookree, forty miles north of Poona. The greatest length (on the sea-coast) is two hundred and eighty miles; the greatest breadth (from Hutnee and Punderpoor to the sea) one hundred and forty: but this breadth is only found to the south of Poona; north of that city the breadth does not exceed seventy miles.

It was long before the Mahrattas obtained possession of the country in the immediate neighbourhood of their first conquests; the forts of Joonere and Ahmednuggur, the first within forty, and the other within eighty miles of Poona, were not reduced until within the last sixty years, long after the Mahrattas had made themselves masters of Malwa and Guzerat, and had plundered up to the gates of Agra. Candeish was not subdued until within these sixty years, nor the Carnatic until a still later period. The cause of this inconsistency was the close connexion between the Mahrattas and Nizam-ool-Moolk, who was glad to encourage them as the means of weakening the power of the Court of Delhi; while they, with their usual policy, were pleased to disunite their enemies and attack them one by one. To this connexion

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nexion also it is to be ascribed, that a third of the Mahratta nation should have been left to this day under the dominion of the Moguls.

Ballajee Wisswanaut dying in 1720, was succeeded by his son Bajee Rao Belall. This chief, who appears to have been a man of activity and abilities, took full advantage of the weakness, the distraction, and the mutual jealousy and treachery of the Moguls. He overran all Malwa, and had entirely reduced it some time about the year 1735; while the troops of the Senaputtee, another great general of Sahoo Rajah, had made similar progress in Guzerat. The rivalry of these generals renewed the domestic distractions of the Mahrattas; but Bajee Rao finally overcame the Senaputtee, as Nana Sahib subsequently did his powerful servant the Guicowar in 1750, when he compelled the latter to submit implicitly to his authority, and to make over half of Guzerat to his officers. Bajee Rao died in 1741, and was succeeded by his son Ballajee Bajee Rao, commonly called Nana Sahib.

This prince was the first of the Peishwas who openly exercised the sovereign authority on the Rajah's behalf. His two predecessors had always affected to act under the orders of that prince, but Rajah Sahoo dying in 1749, it was alleged by the Peishwa that he had formally invested him with the sovereignty of his dominions, on condition of his keeping up the name of the Rajah's descendants. I may here remark, that it appears more than doubtful whether the Rajahs of Sattara ever pretended to possess absolute sovereignty, or to hold their territories otherwise than as vassals either of Beejapoor or Delhi. Nana Sahib was an inactive prince, and intrusted his internal government to his cousin Saddashew Rao Bhow, and the command of his armies to his brother Ragoonath Rao, the father of the late Peishwa. A temporary exchange of these functions occasioned the defeat and fall of the Bhow at Panniput, and the death of Ballajee, who never recovered the shock.

The government then fell into the hands of Ragoonath Rao, who detained Madhoo Rao, the son of Nana Sahib, in a state of tutelage and dependence, but who was not long able to resist the talents and energy which that prince early displayed. Madhoo Rao then took the reins into his own hands, imprisoned Ragonath, and reigned for eleven years. Though at least equal to his predecessor as a general, Madhoo Roa's chief praise arises from his civil government. He was the first who introduced order into the internal administration, and who shewed a sincere desire to protect his subjects from military violence, and to establish something like a regular dispensation of justice.

His death, which happened in 1772, was soon followed by the murder of his brother Narrain Rao, the usurpation of Ragonath Rao, and a long struggle, in which the English were unsuccessful supporters of the claims of that usurper. During this disturbed period, and the thirteen years of comparative tranquillity which followed, Nana Furnavees acted as regent in the name of the infant son of the murdered Narrain Rao. The territories in the Deccan were quiet, and were governed in a spirit of peace and moderation, which aided the former measures of Madhoo Rao in softening the predatory habits of the Mahrattas; but at the same time the great chiefs of Hindostan began to appear rather as allies than as servants; and although the connexion of the Mahrattas as a confederacy was probably at its greatest height at this period, yet the seeds of dissolution which were inherent in the nature of it, began evidently to display themselves. A short view of the members of this confederacy will show the loose ties by which the whole was held.

The state of Tanjore was scarcely ever even in alliance with Sattara; that founded by Morar Rao Gorepara, in the north of Mysore, was in nearly the same situation, and that of Colapore never joined it in any war. The confederates must therefore be the Rajah of Berar, the Guicowar, Scindia, Holkar, the Powars, and the chiefs of Jhansi and Sagur. The first of these powers was closely united in interest with Poona, and had no points of disagreement; yet it was frequently at war with the Poona state, and seemed to have been almost as much connected with the Nizam as with it. The Guicowar was oppressed and subdued, a vassal rather than a confederate. He

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joined the first power that appeared against the Mahrattas in his part of India, and has adhered to his alliance to the last. The other chiefs were subjects and servants of the Peishwa, and were themselves born and bred in the heart of the Mahratta country, as were the whole of their national troops, not one of whom to this day, perhaps, was born in their foreign conquests. Besides the ties of kindred, language and country, which in most nations keep up a connexion for ages, the Mahrattas had a strong interest in opposing their common enemies; yet there is perhaps no instance in which they were all engaged on one side in a war, and it is surprising that states so circumstanced should be unable to keep up a closer alliance for a period little exceeding the natural life of man. These facts do not, however, shew that there is not at this moment a confederacy cemented by the common country, common interests, and common enmity to their conquerors, but that there is nothing particularly durable in the connexion to prevent its dissolving at no distant period.

At the death of Madhoo Rao Narrain in 1796, the whole of the great Mahratta chiefs, the Rajah of Behar, Scindia, Holkar, and the Jagheerdars of the Deccan, appeared at Poona for the last time as vassals of the empire. The power and weight of the Minister was insufficient to control this tumultuous assembly, and a scene of factions, violence and intrigue ensued, at the conclusion of which Bajee Rao, the rightful heir, but the representative of the unpopular and proscribed house of Ragonath Rao, was elevated to the musnud by the military power of Scindia. He however was for some time little more than a pageant in the hands of that prince, and it seemed probable that Scindia would soon imitate the example of the Peishwa's ancestors, and reduce his nominal master to the condition of the Rajah of Sattara. It was perhaps the dread of the interference of the British which prevented this change of dynasty, and at the end of a few years the increasing disorders in Scindia's own possessions obliged him to quit his hold on the Peishwa, and to withdraw to Hindoostan. Bajee Rao, now left alone, had neither ability nor inclination to put himself at the head of his turbulent chiefs and mutinous army; he remained quiet in Poona, while every Jagheerdar assumed independence, and the country was overrun by banditti, formed from the soldiery that were no longer employed in the armies, to within a few miles of the capital. At length his Highness was expelled by Holkar. He returned supported by a British force, and from that time began a new order of things, which existed at the time of our conquest.

Instead of the extensive, but loose confederacy, of which the Peishwa was head, which was in a constant state of foreign war and internal disorder, and which could only be held together by constant vigilance and activity, as well as concession and management, the Peishwa was now to possess in peace a small compact territory, and as this had formerly partaken of the loose government of the general mass, it became the Peishwa's object to consolidate his power, and establish it on such a footing as would allow of his governing with as much ease as other Eastern princes.

Some progress had been made towards the state of things during the governments of Madhoo Rao and Nana Furnavees; and Bajee Rao himself, from temper as much as from policy, had already adopted the course most suited to his situation. The head of an unpopular party, and educated in a prison, he had little sympathy with the bulk of his nation, and little desire for any enterprize in which he might require their assistance. His only wish was to gratify his love of power and of revenge, without endangering his safety or disturbing his ease; he had therefore begun his administration by plundering all the ministers connected with his enemy. Nana Furnavees had seized on the jagheers of his principal opponents. When the treaty of Bassein (1803) relieved him from all apprehension of resistance, he gave a loose to his desire for depressing the great and degrading his enemies.

Almost all those who had been connected with the government of his predecessors were discarded; the great Sirdars who held lands were either dispossessed or kept at a distance, and obliged to yield implicit obedience to his will. No attempt was made to restore the old army; the chiefs who had commanded it were left in want; the court was almost entirely composed of new

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new men, and the few troops that were retained were commanded by upstarts and paid from the treasury. * * *

A severe famine that followed Bajee Rao's restoration, prevented the natural effect of his reduction of the military force; many men perished and more horses, and the vacancies occasioned by the deaths of the owners of land afforded a provision for many, who had till then maintained themselves by the profession of arms. Many more went to the camp of Scindia, who was then exchanging his Mussulman retainers for Mahrattas: others found employment with Holkar and the Rajah of Berar, and many probably joined the hoardes of Pindarries which began about this time to be conspicuous.

The discontents of the chiefs were kept under by the presence of a British force, and great progress had thus been made in reducing the country to the state desired by Bajee Rao, when other events occurred to induce him to change his system. The progress that has been made has, however, been favourable to us. The number of Jagheerdars, though still very great, has been lessened; the pride of the nation has been humbled, and its military strength reduced. The war and previous years of intrigue and oppression, however, unsettled men's minds; the reduction of the armies of Scindia, the Bosla and the Pindarries, have increased the number of the soldiery; the destruction of the smaller Jagheerdars in Hindoostan has thrown them and their retainers back on their old country, and our having raised our irregular horse and formed our civil establishment before Bajee Rao's adherents were sufficiently depressed to come over to us, has left most of them out of employ; so that there are now two irregular armies, the Mahratta one and our own; and three civil establishments, Nana Furnavees', Bajee Rao's, and ours, within this one territory.

Rajah of Sattara.

The first of the states mentioned as within our general limits is that of Sattara.

After the death of Sahoo Raja, his successor remained close prisoner in Sattara. He was the son of Sewajee, son of Raja Ram, and in him the real line of Sewajee became extinct, for on his death in 1777 he was succeeded by Sahoo his adopted son, who was born of a remote branch of the family, and had been a common horseman. This prince retained the active habits which he had learned before his imprisonment; and on some relaxation of his confinement, early in Bajee Rao's reign, he declared his intention to act for himself, and began to assemble an army. The weakness of the Peishwa's government gave him some months to gain head, and he had collected about four thousand men when his force was dispersed by Purseram Bhow and Madhoo Rao Rastia. Chetter Sing, the brother of the Rajah, who had principally instigated the disturbance, escaped, and after long wandering in Hindoostan and the Deccan, was treacherously seized by Trimbuckjee Danglia, and died in confinement during the late war. His son is now at Sattara. His cause appears to have been popular; and an impostor, who raised a rebellion in his name, succeeded in baffling the Peishwa for several years. He was captured by Colonel Cunningham at Pruchectgurh, and is now in confinement.

Our relations with the present Rajah of Sattara are fixed in the treaty, and the course which I think ought to be pursued towards him is pointed out in my letter of 25th August, to Captain Grant. The advantages that principally weighed in favour of giving his Highness a territory, his popularity with the Mahrattas, and the asylum which his government would afford to persons unwilling to serve under ours, are attended by two corresponding evils: the influence which the Rajah may be expected to possess among his nation, and the concourse of disaffected persons that are likely to assemble at Sattara. Both of these evils required special precaution to guard against them; but our principal security must be in our effectually maintaining our own supremacy, and in our conciliating the good-will of the Rajah. Both objects appeared to be best attained by taking very high ground in our treaty, so as to admit of a gradual and voluntary descent as the times admitted of it. The Rajah's inexperience indeed required, in justice to himself, that we should

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should for some time direct him, but I hope that in the course of two years he may be left in a great measure to conduct his own internal government. The military protection of his country, his political relations, and perhaps a general and distant superintendence of his whole proceedings, must always remain with us. We must also retain the power of knowing exactly every thing that passes in his court and territory, and it will, for a long time, be a necessary part of our policy, most carefully to destroy all connexion between him and the Mahrattas not subject to his own authority.

His country now yields 13,75,000 rupees of direct revenue, and about 3,00,000 enjoyed by Jagheerdars, besides 3,00,000 of alienations. It will probably not improve so much in the Rajah's hands as the Company's territory; but still some increase of cultivation is to be expected, and that, with the falling in of jagheers and pensions for life, will add to the amount of revenue at the Rajah's disposal. Nothing need be said here of the system now in force in the Rajah's country. It has been managed exactly as a province of our own, and will be reported on with the rest. More care has perhaps been taken to preserve the native practice, and the utmost attention will be given hereafter to place things on a footing which they may preserve after our interference is withdrawn.

Rajah of Colapore.

The founder of this petty state was Sumbajee, son of Ram Rajah, and grandson of Sewajee. The territory he possessed was early reduced by Sewajee, and seems to have been a principal residence of his son. I do not know when it was first assigned to Sumbajee, but in 1728 that prince was confederated with the Nizam, and accompanied his army to Poona, and in 1731 a treaty was concluded between Sahoo Raja and Sumbajee, by which it was agreed that all north of the Kistna should belong to Sahoo, all between the Kistna and Warna and the Toombuddra to Sumbajee, and that all conquests south of the Toombuddra should be equally divided. The territory assigned to the Rajah was partly held by the Moguls, and partly by Dessyes who had set up for themselves. Some progress was made in subduing it under Ballajee Bajee Rao, but it was not till the reign of Madhoo Rao, about 1762, that it was effectually reduced. Checkoree and Manowlee were then given to the Rajah: they frequently changed masters, sometimes by treaty and sometimes by force, until 1804, when they were conquered from the Rajah by Appa Dessye for the Peishwa. This led to a long struggle, in which the Rajah's government was on the point of extinction when rescued by the interposition of the British Government, in 1812. The Rajah's subsequent fidelity procured him the restoration of those districts which are valuable in themselves, and which had long been the object of his ardent wishes. The state of Colapore has remained in perfect tranquillity since it was delivered from Appa Dessye, and as it is now in a state of as high prosperity as it ever attained, it may be considered as well disposed to the present order of things. It has been a maxim, never, on any account, to interfere in its internal affairs, and the plan has hitherto been attended with excellent effects; but as the Rajah has been a minor, and the power in the hands of a party which adhered to our interests and made use of our name, the trial has not been so complete. I would, however, recommend persevering in the system as long as it is possible without some serious evil.

The same system ought to be observed in Sawunt Warree, and our agent should be withdrawn as soon as the Government is settled enough to secure us from future depredations on the part of its subjects.

The Nizam.

The Nizam has but few possessions remaining within the Mahratta frontiers, but there are various possessions and numerous claims of the Peishwa's government within his. It is needless to enter on any explanation of those claims in this place, especially as the settlement of them must remain entirely incomplete for the present. The most I can do is, to point out with more correctness and a little more precision than in my despatch, No. 78, the amount to be given up to that prince, and the manner in which an equivalent may be obtained with the least offence to his Highness.

The districts within the Nizam's country and the choute actually possessed by the Peishwa and his Jagheerdars at the breaking out of the war, yielded

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in former times an annual amount of 45,00,000 rupees, but the recent receipts by the Peishwaand his Jagheerdars amounted only to 9,50,000 rupees This, however, is independent of the enams and charitable assignments, and also of the expense of collection, which in the case of choute and other shares of the Nizam's revenue must have been extremely heavy to the Peishwa, though the Nizam can now collect them without any addition to his establishment. Allowing for these expenses, I reckoned the gain to the Nizam, in my letter, No. 70, at twelve lacs; which being also the sum fixed by Mr. Russell, on the information given by the Nizam's ministers, may be taken as tolerably correct. The former revenue of the enams and charitable assignments, which are still to be continued, was 2,24,861 rupees, of which 47,936 was payable in money from the treasury, the remaining 1,76,925 from land revenue, allotted separately for that purpose.

The amount claimed by the Peishwa for choute and other dues withheld, in addition to the above sum actually possessed, was thirty lacs, (besides a variety of undefined claims of great extent), and the arrears amounted to an enormous sum. This claim was to have been investigated at Hyderabad, and Captain Pottinger had been appointed to assist in the inquiry, when the Peishwa's hostile views interrupted that and all other negotiations. I do not conceive the Nizam could possibly have escaped from that investigation with less than a cession of a country yielding ten lacs of rupees. The choute of Beder alone, the Peishwa's right to which seems quite incontestible, is said to yield seventeen lacs at this moment, and the arrears on that account, since the late Nizam's death, would be two crores and thirty-eight lacs. It might be ungenerous in us to insist on this investigation now; but we are perfectly intitled to count among the Nizam's gains by the war this heavy demand, from which he could not in any other circumstances have escaped.

Taking the sums gained by the Nizam from the Peishwa, as above stated, and his gains from Holkar and the Rajah of Berar, as stated by Mr. Russell,* the following will be a true statement of the Nizam's acquisitions.

Revenue actually paid to the Peishwa in 1817......Rupees	12,00,000
Revenue due to the Peishwa on his claims for choute withheld, and arrears	10,00,000
From Nagpoor	3,21,986
Do. Umullee rights..	20,879
Do. Holkar	2,37,409
Total..	27,80,274

of which ten lacs is by exemption from a demand, and 17,80 276 an actual addition to his Highness's income.

In determining how much of this profit the Nizam is entitled to, while we admit the right to an equal participation we must not fail to compare the expenses which he and the British Government incur from the conquest. The acquisitions of the British Government by the war in Hindostan are, probably, compensated by the obligation to which it is subject in that quarter and in the Deccan. It has been obliged to make considerable additions to its regular army and has strong forces to maintain in a state of preparation for the security of its conquests and the Nizam's, besides providing for the Rajah of Sattara, the Peishwa and his family including Amrut Rao, the whole of his Jagheerdars, ministers, chiefs, and a considerable portion of his army. If all these expenses be deducted from our acquisition in this part of India, the balance at present, and for some time, will be but little in our favour, and the profit we are ultimately to derive will depend on our own management. On the other hand, the Nizam receives his share free of every kind of expense; begins to enjoy the fruits of it from the moment when it is put into his hands; and has as much the power of improving as we, since the sources of revenue ceded to him once yielded five times their present amount. The contract is rendered

* In his private letter to Mr. Metcalfe of May 15th; the amount gained from Holkar, however, appears to me to be overrated, unless something is gained besides Umber and Ellora.

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rendered quite clear by the fact that (after the provision for the Rajah and all other permanent charges have been provided for) the civil and military expenses which we incur in addition to those of former times, will nearly swallow up our whole revenue by the conquest; and if any further addition is required to our army they will much exceed it, the expenses of the auxiliaries and of the former subsidiary force being provided for by former treaties, and not included in the above calculation. So far is the Nizam from being intitled to plead the absence of all connexion on his part with the expenses we think fit to keep up, that if his Highness's territory were in a flourishing condition and his government efficient, a large portion of those expenses might with perfect safety be avoided. The accompanying statement, No. 1,* will remove all obscurity on this subject.

An accurate estimate of the clear profits of the war in all quarters may hereafter be made, and the Nizam's share may then be fixed. The utmost liberality ought to be shewn in this operation, as the advantage of a few lacs of rupees which we might gain by injustice, will not bear a moment's comparison with the loss we should sustain by oppressing our ally. But I think it may be presumed before hand, that the British Government will be found entitled to some portion of the 27,80,274 rupees above stated, and in that case the least invidious way of taking it would be, to renounce all claims on account of choute (except those guaranteed to individuals, which it is not in our power to give away), and to require an equivalent for the whole territory which we have made over, or are yet to make over to the Nizam, amounting in all to seven lacs; or if this should be thought too hard, we might require that his Highness should give up a moiety of that sum, and take a thousand of our horse, his own subjects, into his pay. A still more moderate course would be, to require his Highness to take the thousand horse, and give a compensation for those territories only which are yet in our hands, (Umber, Ellora, &c.,) which were ceded to us by Holkar, in a treaty, one of the conditions of which was, our maintaining a force with him, and protecting him from all enemies. By this, all appearance of our taking away any thing gratuitously would be prevented. This equivalent would not exceed 1,50,000 rupees, but it would probably be enough to give up a clear frontier, by procuring for us the Nizam's whole territory on this side of the Seena. If more extensive cessions are required, the whole of the plain on the west of the Ghauts, which has been laid down in Arrowsmith's Map as the present frontier, might be ceded, and if more were required it might be given in money, or in territory south of the Kistna.

The sums guaranteed on the choute, which are only to Appa Dessye and the Patwurduns, do not exceed a lac of rupees. Supposing them and the equivalent abovementioned to amount to 2,60,874 rupees, it would still leave the Nizam an acquisition of twenty-five lacs; or if his deliverance from the Peishwa's demand is to go for nothing, of fifteen lacs of rupees chargeable with the temporary maintenance of a body of horse, a circumstance that would neither hurt his pride nor much affect his interest. The enams, charitable allowance, &c. having for the most part been guaranteed by the proclamation of Sattara, must still be continued by the Nizam, and some effectual means ought to be taken to secure them, such as granting British sunnuds to the holders, after a careful examination of their claim: the amount of the former revenue being only 2,00,697 rupees, the real amount at present does not probably exceed 50,000 rupees. Appa Dessye's choute may be paid in money, and as that chief is to receive an equivalent from us in land, this sum ought to go into the public treasury.

I do not think that in any exchanges we ought to part with Colapore, the importance of which place, in a military and political point of view, is shewn in another part of this despatch.†

Intermixed

* Not printed in these Selections.

† Since the above was written I have addressed a letter to Mr. Russell, enclosing authentic statements, by which the various acquisitions are made still more considerable. A copy of that letter was forwarded to Government; it was dated ....

Intermixed Territories.

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The territories belonging to different Mahratta chiefs intermixed with our's, are generally those which belong to the princes who now hold them, before they had acquired any possessions beyond their own country.

The inconvenience arising from them, especially from those belonging to Scindia, has been pointed out in a letter from the local officers; the principal seem to be, that they afford a harbour for robbers and a receptacle for stolen goods, and that the persons in charge seem really to have looked on this as one of the fair advantages of their situation. They create infinite trouble from petty disputes and petty privileges, such as those of levying customs and feeding cattle on our lands, besides the more important one of coining money. A very serious inconvenience is likewise felt, from the resistance which is frequently offered by our subjects to the authority of those states. This has already happened once in the case of Scindia, and twice in that of Holkar. In all those cases it is possible that the persons resisting were in the right; but as it is impossible for us to permit those powers to carry on a seige, and perhaps a protracted struggle within our territory, we are obliged to add the weight of our influence to compel submission. It is true, we might by a stretch of power insist on inquiring into the cause of each dispute; but if this were once done, we should have established a regular appeal against all the acts of tyranny, and sometimes against the unjust proceedings of Scindia's government; and every man who was discontented would resist, as the regular form for bringing his complaint within our cognizance.

It is easier to point out these inconveniences than to propose an effectual remedy. With Holkar we have still to make our terms, and those I have proposed in another place would be quite sufficient. Many of Scindia's villages were confirmed to him by the treaty of Surjee Anjengong, and as he attaches the highest importance to them, he will probably never consent to our interfering with them in a sufficient degree. He would, perhaps, allow robbers to be pursued into them, if we are not already authorised by treaty, and by the nature of things, to insist on it; but he would scarcely agree to submit to our investigation into all transfers of his villages, and other important operations of that nature which were likely to meet with opposition; yet some such precaution is certainly necessary.

Many of Scindia's villages, however, were ceded by the treaty of Surjee Anjengong, but secretly left in his possession by the Peishwa, who seems to have kept up a separate negociation during the whole of that war. Those we are at liberty to resume; but as that proceeding would be harsh, we may insist on the same terms regarding them that are demanded from Holkar, with the addition of retaining the power of resumption at pleasure, or we might insist on taking them at once and give a pecuniary compensation.

A plan has been suggested by Captain Briggs, in his despatch, for an exchange of territory with Scindia, and if the compensation there offered be not a sufficient inducement to him, the possessions of the Peishwa in Nemaur might afford the means of some more satisfactory arrangement.

Jagheerdars.

The Jagheerdars may be differently classed, according to their relations to the old government, their standing, the duties they had to perform, and their claims on the British Government.

In the first classification, it is only necessary to notice those who possessed some degree of independence, the relations of the others to the Government depending on the nature of their duties. The Prittee Nedhee, the Senaputty, and the eight Purdhans, especially the Pant Sucheem, together with Angria, are the whole who fall under this description.

The Prittee Nedhee.

The Prittee Nedhee was originally the prime minister under the Rajah of Sattara. When the Peishwa acquired that situation he fell into insignificance, but was allowed to retain his jagheers. As late as Bajee Rao's time he had a jagheer

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a jagheer valued at eighteen lacs a year, but the present Prittee Nedhee being of a wild and unsettled disposition, twice rebelled against the Peishwa, and was wounded, taken prisoner, and deprived of the whole of the jagheer, but a tract nominally yielding two lacs which has still been left to him.

The Senaputty.

The Senaputty was general: he was a Mahratta, though the ministers were all Brahmins. After his unsuccessful opposition to the Peishwa, the head of the family fled to the Mogul country, and the house sunk into complete obscurity. It still possesses a small jagheer; and the Senaputty lately thought himself fortunate in forming a matrimonial connection with Scindia, whose low family would, in other circumstances, have rendered such an alliance very degrading. He now resides at Gwalior.

The Eight Purdhuns.

The Eight Purdhuns were ministers under the Prittee Nedhee, as was usual in Hindoo Governments. These officers were hereditary, and they were all supposed to be quite equal, but they have all fallen into neglect except the Peishwa and the Punt Suchem. The latter has a territory yielding two lacs of rupees, immediately to the south and west of Poona, and extending to the Concan. It contains the strong forts of Bhoorup, Toong, Tekona, Rajghur, Toona, and Rohera, and is now to form part of the Rajah of Sattara's territory. The Suchem was never considered as more than a dependent, or rather than a subject of the Peishwa's, and as he submitted very early, he ought to be secured against any loss of authority by his transfer to the Rajah.

The Punt Amunt is the only one of the remaining six Purdhuns who need be mentioned; he has still a small jagheer, and as he was the first person of any note that came in, I have proposed that he shall have a pension of 5,000 rupees a month in addition.

Angria.

Angria is a Mahratta chief; he was among the earliest supporters of Sewajee. His family at one time possessed almost the whole of the Concan, and his ancestor was the principal means of establishing the government of Rajah Sahoo and the authority of the first Peishwa. He has, however, been reduced by gradual encroachments to a very small compass, his whole revenue not exceeding three lacs. He received investiture from the Peishwa on the Rajah's behalf, but was otherwise independent.

Other Jagheerdars.

The other Jagheerdars are divided into military chiefs, and Mutsuddies or ministers. The military chiefs are either Sirdars who furnished a contingent of troops which they themselves commanded; Selladars, who furnished troops in the same way, but without the same rank; and Paga chiefs, who had commands in the household or stable horse. There is also a class of immediate servants or dependents of the Rajahs called Hoojrant, and another of Killadars (commandants of forts belonging to the Moguls, who gave up their charge for a provision of this nature).

Of these different classes, a few are the heirs of old Jagheerdars of the Mahommedan monarchies (for the custom of paying services by grants of lands is known to have been usual with all the Indian governments, Mussulman as well as Hindoo). These old families which have survived so many revolutions have been left undiminished by us. The principal are Jaun Rao, Naik Nanbalkur of Futton, the family of Duffty in Jut, the two families of Ghoorpeny at Moodholi and Bailgee, the chief of Ramdroog and Neergoond (though these last were rather branches of one of the little independent governments under Dessyes, that sprung up on the downfall of the Beejapore monarchy).

These are all Mahratta except the two last, who are Brahmin usurpers of a Mahratta principality.

The next class who hold lands from the Rajah of Sattara are all Mahrattas except a few ministers.

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The third class are the Jagheerdars of the Peishwa. These are generally Brahmins or Mahrattas of low family raised by the Peishwa. These deserve equal consideration with the last-mentioned, for though inferior in antiquity, they have had recent possession of power, and therefore suffer particularly by the revolution.

The chiefs who have claims on us are the Kettoorka, the Putwardhuns, and some small Jagheerdars scarcely deserving of mention. Appa Dessye may be said to have claims, as he was a creature of our own, and though subsequently thrown into opposition to us by the intrigues of the Peishwa during the settlement with Colapore, he joined late, and with apparent reluctance, in the war.

These Jagheerdars have been allowed to keep their lands, with an exception in the case of Appa Dessye. Our relations to them and to the ancient royal Jagheerdars have been clearly defined, as will appear by my reports. The principles adopted were to secure their services on a very moderate scale; to retain the sovereignty of the British Government entire, but to interfere with the chiefs on extraordinary occasions only.

With regard to the condition of the Jagheerdars, that of the Putwardhuns is already sufficiently defined, and that of the other Jagheerdars south of the Kistna is marked out with equal precision. Those under the Rajah of Sattara may be left as they stand, because such is the system that will certainly be adopted by his Highness when left to his own discretion, and probably any limitation of their authority would, under a native, be more hurtful, in weakening their power to do good, than useful in preventing their doing harm.

The greater Jagheerdars, to whom their personal lands are now to be restored, ought, I think, during life to be left in charge of the police, in those villages at least which are near their residence; but they ought to be apprized that they are not to inflict punishment on serious offences, but to send the offender to the Collector. All communications with them should be made by the Collector himself, even when complaints are brought against them, and no judgment should be pronounced on their offences but by the Commissioner. The lower order ought perhaps to be put in charge of the police of their villages for the sake of efficiency, though it is not otherwise necessary. In all these cases, except the southern Jagheerdars, the regular police ought to be allowed a concurrent jurisdiction in the lands of all Jagheerdars. The offences of the lower order of Jagheerdars may be tried by the Collector, but not without previous reference to the Commissioner. The same rule ought, I conceive, to apply to all serious complaints against people of rank; more trifling complaints and civil suits ought to be carried on by Punchayets, or by the proper European officers: but in all these cases the forms of civility usual among men of rank ought to be substituted for the summons and orders of court usual in settled countries. Every thing in this country is provisional, and may be altered when found inconvenient: but I would, if possible, maintain most of these proposed indulgences during the life of the present generation; afterwards, all that produce real inequality may be removed, but inequality of forms must be maintained as long as we wish to preserve inequality of ranks, unless the natives should become sufficiently enlightened to view these matters as we do in England. At present a violent change would be felt as oppressive by the upper classes, and disapproved as unusual even by the lower.

The country directly under our own Government is to be considered in reference to military arrangements, revenue, police, criminal justice, and civil justice: general and political questions will occur regarding it.

Military Arrangements.—Regular Troops.

It is on the strength of our military establishments that the tranquillity of the country and the security of our possession of it must principally depend; and if the proposed force should seem larger than is absolutely required, it must be remembered that after so great a revolution as has taken place in India, it is dangerous too soon to calculate on undisturbed possession, and to cease to be prepared for unforeseen contingencies.

The force and distribution which I would recommend is shewn in the following table:

Candeish

Proposed Distribution.	EUROPEANS.					NATIVES.				
	Horse Artillery.	Cavalry.	Foot Artillery.	Infantry.	TOTAL.	Cavalry.	Infantry.	Auxiliary. Horse.	Extra Horse.	TOTAL.
Candeish	..	..	40	400	440	..	2,000	500	..	2,500
Gungtherry	..	..	..	..	..	..	650	500	..	1,150
Ahmednuggur......	..	..	..	..	..	..	650	500	..	1,150
Sholapoor	100	..	100	400	600	750	3,000	500	..	4,250
Poona............	..	..	40	900	940	..	2,650	500	400	3,550
Sattara...........	..	..	..	..	..	..	2,000	2,500	..	2,500
Total Poona division	100	......	140	1,300	1,540	750	8,950	2,500	400	12,600
Total Poona and Candeish	100	......	180	1,700	1,980	750	10,950	3,000	400	15,100
Southern Mahratta country........	......	......	100	800	900	750	3,200	......	.....	3,950
Grand Total..	100	|	280	2,500	2,880	1,500	14,150	3,000	400	19,050 / 21,930

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The details of this distribution are shown and contrasted with the present in the Appendix No. 2.* By this arrangement the Fourth Madras Light Cavalry and one battalion of infantry are returned to their own establishments, and a diminution of 1,500 is supposed in the numbers of the Auxiliary horse. There is an apparent want of cavalry to the northward, but the presence of that, with the force at Jaulna, sufficiently provides for that part of the country. Considering, however, that there is now no European cavalry in the whole of the Deccan, it would, I think, be expedient to send a wing of the Seventeenth Light Dragoons into the Conquered Territory. Poona would perhaps be the most convenient station for it, as it could from thence proceed to any point where it was required. If it were thought better to have it more advanced, the neighbourhood of Colapore would be the best station. If the Seventeenth Light Dragoons be transferred to Madras, the corps, or a detachment, being stationed with the force at Jaulna, would make it equally applicable for the purposes in question.

My reason for conceiving the neighbourhood of Colapore to be so suitable a place for a cantonment is, that it is in the centre of a great blank between the stations of Hyderabad, Bellary, Badamy, Sattara, Poona, and Jaulna, and that it is situated in the part of the country most likely to be disturbed, as well from its being the frontier between our new possessions and the Nizam's, as from the neighbourhood of the most turbulent part of those territories—that between Beejapore and the Neera on the Mahratta side, and that called Ballaghaut on the Nizam's. The point for a cantonment ought, if possible, to be at the junction of the rivers Beema and Seena, with flying bridges over both rivers. With this distribution of troops in the Conquered Territory, the main body of the Hyderabad Subsidiary Force at Jaulna, a strong detachment at that capital, and the present force at Bellary on the one hand, and Maw, Hooshingabad, and Nagpore on the other, the tranquillity of the Deccan appears to be effectually provided for; the only spot where insurgents could find refuge, that lately occupied by the Naiks about Nandeer, being, I understand, designed for the station of a considerable part of the Nizam's force. In case of necessity an European regiment might be spared from Candeish, or from the southern country, and two native battalions from the Poona division; but unless for some good reason, it would not be advisable to remove any part of the present overwhelming force. A less objectionable saving

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saving might perhaps hereafter be made, by placing the whole troops on garrison allowances and establishments, except a number equal to the old subsidiary force (horse artillery, one regiment cavalry, seven battalions Native Infantry, and a proportion of fort artillery), which might remain on field allowances and field equipment. But before this is done, care ought to be taken to ascertain that the prices of this country, so much higher than those of our former possessions, will bear such a reduction, and at all events it ought not to be done, soon as tending to persuade the Sepoys that they are the only people who lose by their own success. The present expense is shewn by the Statement No. 3.*

Forts.

Besides thirty-five forts ceded by the treaty of Poona, the Peishwa had a hundred and fifty-four at the breaking out of the war. Of these a hundred and ten are within the country under my charge, as are three ceded by Holkar. In addition to these there are six forts held by the Punt Suchem, and eight or nine by Jagheerdars. In is evident that these forts, if kept up, must be extremely expensive, both in garrisons, provisions, and repairs; and if merely abandoned by us would be liable to be occupied by insurgents or hill banditti, and being almost all exceedingly strong, might require a regular army to reduce them. It seemed therefore necessary to destroy all that were not of use, and four officers have been appointed for that purpose. All forts that are of military or political importance, or that without being formidable to our troops would afford a refuge to the people of the country in case of invasion, are to be preserved, and all the rest destroyed. By this rule almost all the hill forts in the chain of Ghauts, and many in other ranges, are to be destroyed, and twenty-seven have already been demolished, although from the natural strength of some, and the solid masonry of others, the task is found to be particularly tedious and difficult. Even when the destruction is completed, one of the Superintendents of hill forts must be kept up for a long time to make tours among the forts, and prevent any of those now abandoned from being occupied or rebuilt. The accompanying List No. 4,† shews the forts captured, those destroyed, those now held by Jagheerdars, and those garrisoned by regulars and sebundies. Some of the forts in the ghauts, though useless in other respects, must be kept up to secure our command of the frontier between us and the Rajah of Sattara; on the other hand, several of the forts which it would be otherwise desirable to retain, will require a greater expense than they are worth to keep them in repair. Darwar and Belgaum are of this description; the former in particular is rapidly going to ruin, and if it be necessary to have a permanent depôt to the southward (a question which must depend on the state of Bellary in this respect) it will be necessary to transfer it to Koosegul.

Auxiliary Horse.

The auxiliary horse were originally seven thousand three hundred strong, and the expense was upwards of forty lacs of rupees; it has since been reduced to twenty-eight lacs, and I have submitted a plan for further reducing the strength to two thousand five hundred, and the expense to little more than twelve lacs. The principles on which that reduction was planned were calculated to discharge as few soldiers by profession as the necessary saving would admit. I do not think any attempt should be made to bring the horse lower, unless by the transfer to the Nizam, which I have suggested, or some similar arrangement, by which the expense may be lessened without throwing the men out of employ. It may at some future period be possible to turn part of them into district horse on thirty rupees a month each, and entirely under the civil officers; but such a change is not expedient at present.

Extra Horse.

Besides the regular auxiliary horse, there are some small parties who have been entertained for special reasons on a different footing. Wessajee Punt Gokla was promised service on specified terms, on condition of his quitting the Peishwa during the war.

His

* Not printed in these Selections. † Ibid.

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	Horse.	Expense per mensem, Rupees.
His party is	200	
And the expense is		8,483
Ram Chunder Chowdry received a similar promise immediately after the fall of Singhur	80	2,300
Synd Tyne, &c.	100	3,710
Shabbaug Khan	25	780
	405	15,273

The total annual expense is 1,83,276 rupees. The two last were promised employment by Sir John Malcolm, for their services when Bajee Rao was attacked by his mutinous troops. It is as well to keep up these parties for the present; but when some horse can be discharged without bad consequences, Wessajee Punt would, I think, be easily satisfied with a pension or jagheer for himself and his brother; as would Ram Chunder Chowdry. Synd Tyne and Shabbaug Khan, as their parties are composed of their countrymen (Arabs and Afghans), would probably not willingly agree to their dismission, but we are under no engagements to keep any of them longer than suits our convenience.

Auxiliary Infantry.

It will probably appear to his Excellency the Most Noble the Governor-General expedient to keep up the auxiliary Infantry, since it is certain that as efficient service could not be obtained so cheaply by any other arrangement, the men of the supernumerary battalion are entitled, by my promise to them on their joining our troops at a critical period, to retain all the advantages they possessed in the Peishwa's service, and it would be invidious to treat the others with less consideration. The reductions I have lately made in the number and allowances of the officers leave little superfluous in that establishment, and if any of the remaining appointments should hereafter be thought unnecessary, I would recommend that Government should allow them to die off, rather than abolish them. Major Ford, in particular, appears to me to have strong claims to retain his present situation.

Sebundies.

The number of sebundies at the close of the war was about seventeen thousand, it is now reduced to thirteen thousand, and the pay is twelve lacs of rupees a-year.

The distribution is shewn in the annexed table No. 5.* These are the remains of the Peishwa's infantry, and likewise of that portion of his cavalry that was mounted on horses belonging to others.

I applied to the gentlemen in charge of districts in January last, on the subject of the expediency of reductions in this branch of expenditure; they all agreed that no sudden reduction in the numbers was at all expedient. Captain Briggs offered a very judicious suggestion, regarding a diminution in the rates of pay, and proposed one in the numbers also within his district, provided part were rendered more efficient by discipline. As the plan, however, did not appear to me calculated to suit the class of persons exclusively military, for whom it is our chief object to provide, I did not sanction its adoption.

At a subsequent period, I contemplated providing for the sebundies by grants of land, on the condition of occasional service; and as a militia of this sort was most wanted in Candeish, I requested Captain Briggs to attempt the plan. The experiment probably failed, owing to the high rates of pay, and I have now adopted an arrangement for discharging all cultivators, reducing the pay of the other sebundies, and instituting a militia of the kind above described, which is more likely to be successful. If it should be so, it will be attended with the advantages of establishing at a small expense a powerful auxiliary to the police, of increasing cultivation and population, and ultimately of establishing a body of small proprietors, whose industry and capital will be partly employed on lands that contribute to the revenue. The immediate advantage of the whole plan will be a reduction, which combined with the transfer

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of three thousand sebundies to the Rajah, will probably amount to four lacs of rupees.

Revenue.

The principle I adopted for the civil administration being to preserve unimpaired the practice which I found established, this part of my report ought to consist entirely of an account of the Mahratta system; and although more changes have been introduced than were intended, that will, in fact, occupy a very considerable portion of the statement which is to follow.

My information is derived, in a great measure, from the jummabundy reports of the local officers on Revenue subjects, and on Judicial ones from the answers of the same gentlemen to a series of queries which I circulated about the end of last year. These answers are forwarded, and I beg to recommend them to attention. That of Mr. Chaplin is of particular value. Captain Grant's contains much information, both on the points immediately in question and on the general character of the people; and those of Mr. Thackeray, Sub-Collector of Ranee Bednore, have likewise considerable merit. Besides this view of the former practice, I shall point out the changes that have occurred; and as local opinions are always of use, I shall add such suggestions as occur to me on the course to be pursued hereafter, though the want of general knowledge as well as of experience in the departments to which they refer, may often make them crude or erroneous.

Village Government.

In whatever point of view we examine the native government in the Deccan, the first and most important feature is the division into villages or townships. These communities contain in miniature all the materials of a state within themselves, and are almost sufficient to protect their members if all other governments were withdrawn. Though probably not compatible with a very good form of government, they are an excellent remedy for the imperfections of a bad one; they prevent the bad effects of its negligence and weakness, and even present some barrier against its tyranny and rapacity.

Each village has a portion of ground attached to it, which is committed to the management of the inhabitants. The boundaries are carefully marked and jealously guarded. They are divided into fields, the limits of which are as exactly known; each field has a name, and is kept distinct even when the cultivation of it has long been abandoned. The villagers are almost entirely cultivators of the grounds, with the addition of the few traders and artizans that are required to supply their wants. The head of each village is the Potail, who has under him an assistant called a Chougula, and a clerk called a Koolkurnee. There are besides twelve village officers, well known by the name of Barra Ballootee. These are the astrologer, the priest, the carpenter, barber, &c.; but the only ones who are concerned in the administration of the government are the Sowar or Potedar, who is silversmith and assayer of money; and the Mhow, who, in addition to various other important duties, acts as watchman to the village. Each of these classes consist of one or more individuals, according as their original families have branched out. The Mhows are seldom fewer than four or five; and there are besides, where these tribes are numerous, very frequently several Bheels or Ramooses employed also as watchmen, but performing none of the other duties of the Mhow.*

Potail.

The Potails are the most important functionaries in the villages, and perhaps the most important class in the country. They hold their office by a grant from the Government (generally from that of the Moguls); are entitled in virtue of it to lands and fees, and have various little privileges and distinctions, of which they are as tenacious as of their land. Their office and emoluments are hereditary, and saleable with the consent of the Government, but are seldom sold except in cases of extreme necessity, though a partner is sometimes admitted,

* For a full account of the constitution of a village, see Captain Robertson's letter of 9th March 1818.

admitted, with a careful reservation of the superiority of the old possessor.* The Potail is head of the police and of the administration of justice in his village, but he need only be mentioned here as an officer of Revenue. In that capacity he performs on a small scale what a Mamlutdar or a Collector does on a large: he allots the lands to such cultivators as have no landed property of their own, and fixes the rent which each has to pay; he collects the revenue for Government from all the Ryots, conducts all its arrangements with them, and exerts himself to promote the cultivation and prosperity of the village. Though originally the agent of the Government, he is now regarded as equally the representative of the Ryots, and is not less useful in executing the orders of the Government than in asserting the rights, or at least in making known the wrongs of the people.

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Koolkurnee.

The Koolkurnee† keeps the numerous records and accounts of the village. The most important are, 1st. The general measurement and description of all the village lands; 2d. The list of fields, with the name, size, and quality of each, the terms by which it is held, the name of the tenant, the rent for which he has agreed, and the highest rent ever produced by the field; 3d. The list of all the inhabitants, whether cultivators or otherwise, with a statement of the dues from each to Government, and receipt and balance in the account of each; 4th. The general statement of the instalments of revenue which have been realized; and 5th. The detailed account where each branch of revenue is shewn under a separate head, with the receipts and balances on each. Besides the public records, he generally keeps the accounts of all the cultivators with each other, and with their creditors: acts as a notary public in drawing up all their agreements, and even conducts any private correspondence they may have to carry on. He has lands, but oftener fees, allotted to him by Government, from which he holds his appointment.

Chougulla.

The Chougulla acts under the orders of the Potail, and assists him in his duties; he also has the care of the Koolkurnee's records.

Watchmen.

The most important revenue duty of the Mhow is to watch over the boundaries, both of the village lands and of each individual's field, to see that they are not encroached on, and to give evidence in cases where they are disputed. He watches over crops, whether cut or growing, as long as they are in the fields. He is also the public messenger and guide; and will be mentioned again as a most important actor in the police.

Potedar.

The Potedar, besides being the village silversmith, assays all money paid, either to Government or to individuals.

With the few exceptions already mentioned, all the villagers are cultivators, and these, as there are few labourers, are distinguished by their tenures into two classes, that of Meerassees or landed proprietors, and that of Ooprees or farmers.

Meerassees or Landed Proprietors.

As I was particularly directed to attend to the tenures of land, I have called on the Collectors to furnish the requisite information: only two answers have been received; but the enclosed Extract, No. 7,‡ from letters written on other subjects, sufficiently elucidate this questions.§ They are perhaps the more to be depended on, because all of them, except Captain Grant's and Captain Briggs' second letters were written before any question had been put that

* The functions and privileges of a Potail are well shewn in the enclosed translation of a deed of sale, transferring a share of the office, which was forwarded by Captain Robertson in his letter of 9th March 1818. (Not printed in these Selections.)

† Vide Captain Grant's Report, August 17th.

‡ Not printed in these Selections.

§ Letter from Captain Robertson, dated 9th March 1818; from Captain Briggs, dated 22d December 1818; from Captain Pottinger, dated 15th January 1819; from Captain Briggs, dated 22d June 1819; and from Captain Grant, dated 17th August 1819.

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that could influence the writers; and that they are not produced by any speculations, but forced on the Collectors by the course of their ordinary business. The deeds of sale enclosed in Captain Robertson's letter of March 9th, throw a clear light on the manner in which the meerassee tenure was regarded by the people and by the Government.* The result of those reports and of my own inquiries is, that a large portion of the Ryots are the proprietors of their estates, subject to the payment of a fixed land-tax to Government; that their property is hereditary and saleable, and they are never dispossessed while they pay their tax, and even then they have for a long period (at least thirty years) the right of reclaiming their estate on paying the dues of Government. Their land-tax is fixed; but the late Mahratta Government loaded it with other impositions, which reduced that advantage to a mere name. So far however was this from destroying the value of their estates, that although the Government took advantage of their attachment to make them pay considerably more than an Ooprce, and though all the Meerassadars were in ordinary cases obliged to make up for failures in the payment of each of their body, yet their lands were saleable, and generally at ten years' purchase. This fact might lead us to suppose that, even with all the exactions of the late Mahratta Government, the share of the Ryot must have amounted to more than half the produce of the land; but experience shows that men will keep their estates, even after becoming a losing concern, until they are obliged to part with them from absolute want, or until oppression has lasted so long that the advantages of proprietorship in better times have been forgotten. The Meerassadars are perhaps more numerous than the Ooprees all over the Mahratta country. In the Carnatic I am informed by Mr. Chaplin that they do not exist at all. Besides Meerassadar they are called Thulkurree about Poona.

An opinion prevails throughout the Mahratta country, that under the old Hindoo government all the land was held by Meerassees, and that the Ooprees were introduced as the old proprietors sunk under the tyranny of the Mahomedans. This opinion is supported by the fact, that the greater part of the fields now cultivated by Ooprees are recorded in the village books as belonging to absent proprietors, and affords, when combined with circumstances observed in other parts of the Peninsula, and with the light land-tax authorized by Menu, a strong presumption that the revenue system under the Hindoos (if they had an uniform system) was founded on private property in the soil.

All the land which does not belong to the Meerassees belongs to Government, or those to whom Government has assigned it. The property of the Zemindars in the soil has not been introduced, or even heard of, in the Mahratta country.

Ooprees or Farmers.

The cultivated land belonging to Government, except some parts which it keeps in its own hands to be managed by the Mamlutdars, was always let out to Ooprees, who had a lease, with the expiration of which their claim and duties expired.

These are all the tenures on which land was held, as far as regards the property of the soil: the assignments by Government of its own revenue, or share of the produce, will be mentioned hereafter. It need only be observed, that in making this grant it could not transfer the share of a Meerassadar. Even Bajee Rao, when he had occasion for meerassee land, paid the price of it.

Such are the component parts of a village; its transactions with Government will be explained hereafter, but there are some of its internal affairs still to be mentioned.

Village Expenses, Debts, and Grants of Land.

The maintenance of the village temple, its fixed and authorised pensions and annual charities, its ceremonies and religious festivals, its alms to beggars and entertainments to guests, especially to Brahmins and Fakeers, its occasional amusement (tumblers, dancers, &c.), its nuzzers to superiors, its offerings to the Potail and other village officers on occasions of condolence or congratulation,

* I also enclose report on the same subject, drawn up by Captain McLeod from the most intelligent informants he could procure in the Dufter or in Poona. (Not printed in these Selections.)

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tion, the expenses of the Potail on the public affairs, and the fees of Peons stationed in the village, entail a number of expenses on the community, which, unless allowed for from the Government revenue (which is very rare), are defrayed by a tax on the village. This tax falls on the cultivators, especially on the Meerassadars, and is a great source of profit to the Potails and Koolkurnees. In general these expenses were in the proportion of one-tenth, or from that to one-fifth to the public revenue. The three first charges were called salabad, and were provided for by permanent assessments; and the rest sander warred or contingent, which were paid by extra assessments called sander warred puttee: these last were always liable to a scrutiny by the Mamlutdars, who probably perceived that all expensive charges against the Ryots would in time fall on the Government. In addition to these were occasional expenses, such as repairs of the village walls, the necessity of entertaining sebundies for defence, or of paying an enemy or an insurgent for forbearance, which it was beyond the means of a village to defray at once. In this case, the village contracted a public debt, which was gradually paid by an annual assessment included in the sander warred puttee, and sometimes provided for by mortgages or grants of land on the part of villages. These grants were called gaum nisbut enams: if they were so small as to be admitted or be likely to be admitted by the Government, no rent was charged on them; but if they were too large to be agreed to or to escape observation, the revenue was paid by all the other Ryots, the creditor still enjoying them rent-free. Small grants were also made for temples or to Brahmins, which were always acquiesced in by the Government; but the villagers have never pretended to any property in the soil, beyond the estates of the Meerassadars.

Daismook, Daispandees, and other Zemindar or District Officers.

The next division is a turruf, composed of an indefinite number of villages, with perhaps an addition of uninhabited mountain and forest land (there being no other land not included in some village).

A turruf is under no particular officers; several of them make a pergunnah, which is under a Daismook or Zemindar, who performs the same functions towards the pergunnah as a Potail towards the village. He is assisted by a Daispandee, who answers to the Koolkurnee and a Daischaugulla. The Daismook and Daischaugulla, like the Potail and Churgulla, are Mahrattas; the Daispandee and Koolkurnee are Brahmins. Above these officers there appear to have formerly been Sirdaismooks and Sirdaispandees; but this order of things is not remembered, though there is still one family of the ancient Sirdaismooks extant, besides the Rajah of Sattara, who extorted the office of Sirdaismook from the Mogul as a pretext for some exaction from the country. The only Sirdaispandees I have heard of are in the Concan. There is also an officer called Sireanoongoe in Candeish, whose office probably corresponds with that of Sirdaispandee. There are other officers still in existence in some places, such as the Sirpotail, the Nargoond, &c., whose present functions are too unimportant to promise any advantage from an investigation of their ancient condition. It is universally believed in the Mahratta country, that the Daismooks, Daispandees, &c. were all officers appointed by some former government, and it seems probable that they were the revenue officers of the Hindoo Government; that these officers being hereditary, like most others under the Hindoos, they were in possession of too much knowledge and influence to be dispossessed by the Mahomedans, who though they appointed district officers, availed themselves of the experience of the Zemindars, and allowed them to settle with the Potails, explaining their proceedings to the more immediate officers of Government. They even often farmed out the whole pergunnah to the Daismooks, who by this means acquired so much authority in some parts of the country, as to be able on the decline of the Mahomedan kingdoms in the Deccan to maintain themselves for a time in independence. The Mahratta, or rather the Brahmin Government, was led by this conduct, and by their embezzlement of the public revenue, almost to set aside the employment of the Zemindars, transacting all business directly with the Potails by means of its own officers. This change, though probably produced by the policy and advice of the Brahmins, is considered to have been attended with beneficial effects, as delivering the people from the oppressions and exactions of Zemindars.

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Long after the Zemindars ceased to be the principal agents, they were still made use of as a check on the Mamlutdar, and no accounts were passed unless corroborated by corresponding accounts from them; but even this practice has been disused since the farming system, except in the distant provinces of Guzerat and the Carnatic.

These officers still hold the lands and fees that were originally assigned them as wages, and are still considered as servants of the Government; but the only duty they perform is to produce their old records when required; to settle disputes about land by a reference to those records, and to keep a register of all new grants and transfers of property, either by the Government or by individuals. This register must, however, be very incomplete, as no man is obliged to record his deed unless he chooses. The Daismooks' profits are very great, generally I am told about five per cent., not only on the revenue but on the land; five acres in each hundred, for example, will belong to the Daismooks, and a twentieth of the collections besides; he has also various claims in kind, as a pair of shoes every year from each shoemaker, a portion of ghee from those who make that preparation, &c.

The Daismook of Futton has even twenty-five per cent., but having been for centuries Jagheerdar of his own pergunnah, he has probably transferred a great deal from the government account to his own. The allowances of the Daispandee are about half those of the Daismook. The allowances of the Potail and Koolkurnee are exactly of the same nature, but much smaller. All these fees are levied by the owners distinct from the Government revenue. Daismooks and Daispandees, as well as Potails and Koolkurnees, sell their own land and fees (or wuttun, as both are called), but neither pretends to any property in the rest of the lands. It seems to be thought that they cannot even sell their offices (though Potails and Koolkurnees can), and it is even doubtful if they can sell their fees, though they may pawn them. Their land they can certainly sell.

Mahratta System of Revenue.

A number of pergunnahs formerly composed a circar, but this division is now completely disused, and that into pergunnahs and turrufs, though still kept up in records, is not always the real Revenue division. To explain this completely would lead me into the complicated system of the Mahrattas, which is the less necessary, as the system is now as far as possible laid aside. An idea of the divisions to which it leads, and which vary in different places, may be derived from the following account of one of the simplest cases.

The first pretension of Sewajee was to levy from the Ryots, as Sirdaismook, ten rupees for every hundred levied by the Government. This was afterwards followed by a demand of a fourth of the Government collections, which at length was yielded by the Moguls. The fourth thus acquired is called by the Mahrattas the choute; it was immediately divided by the prince with his minister and Sirdars. A fourth of it was at first reserved for the Rajah, and collected by the Prittee Nedhee, the Peishwa, and the Punt Suchem, under the name of baubtee. Six per cent. on the whole choute before the deduction of the baubtee, was given, under the name of sahotra, to the Punt Suchem; the remainder of the choute, under the name of mokassa, was partitioned among the Sirdars, on condition of maintaining troops, of bearing certain expenses, and of paying a certain portion of money to the treasury. The Sirdaismook shared the same fate; and from these funds some enams were also granted and some charities defrayed.

Subsequently to the acquisition of the choute, the remaining three-quarters of the country (which is called jagheer in contradistinction to the choute) fell also into the hands of the Mahrattas. The division then stood as follows:

Supposing the Government share .... Rupees 400		
Sirdaismookee		40
Government Revenue, *viz.*		
Choute, or fourth	100	400
Jagheer	300	
Total, with Sirdaismookee........ Rupees		440

Subdivisions

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Subdivisions of Choute:

Baubtee	Rupees	25
Mokassa		75
	Total Choute...	100

Subdivision of Mokassa:

Sahotra, six per cent. on the whole Choute	6
Ein Mokassa	69
Total Mokassa...	75

This gives but an imperfect idea of the numerous subdivisions which have been made in most parts of the country. Some were assigned to Jagheerdars, and their separation from the bulk of the Revenue was thus necessarily perpetuated; but, even where they all fell into the hands of the Government, it still kept them up in name, and sometimes even in practice. Thus one man would sometimes collect the sirdaismookee, another the jagheer dues, a third the mokassa, a fourth the baubtee, and a fifth the sahotra, on the same village. In this case the holder of the jagheer would settle the sum to be paid by the village, the Mokassadar would send and collect his share from the Ryots, but the other claimants would allow the holder of the jagheer to collect the rest, and pay to each his share, the amount of which each would ascertain from the village accounts. But when there was a defalcation, each endeavoured to collect his own and throw the loss on his neighbour: and a general struggle ensued, in which the Ryots were sure to suffer from the violence of the combatants. In addition to this distribution of the revenue various causes broke up the pergunnahs, and made the Mahratta revenue divisions exceedingly scattered and intermixed.

Mahratta Officers of Revenue.

Their graduations of authority departed as far from the uniformity of the Mahomedans as their divisions of the territory. In general, each revenue division was under an officer, who in a large district was called Mamlutdar, and in a small one Camavisdar; under these were Turrufdars or Karkoons, who had charge of a considerable number of villages; and under them Shaikdars, who had four or five. The nomination of the Mamlutdars rested with Government, that of the inferior agents with the Mamlutdar. There were however in every division permanent officers called Durruckdar, appointed by Government, and generally hereditary, whose signature was necessary to all papers, and who were bound to give information of all malpractices of the Mamlutdar. These officers were the Dewan, who was the deputy to the Mamlutdar; the Furnavee or keeper of registers; the Potenavee, or cash accountant, &c.

In some provinces, especially in remote ones, such as Candeish, Guzerat, and the Carnatic, there was an officer between the Mamlutdars and the Government who was called Sirsoobeedar. His powers and duties varied. In the Carnatic he was answerable for the revenue, and appointed his own Mamlutdar; but in Candeish he had only a general superintendance, every Mamlutdar giving in his own accounts, and making his payments direct to Government. The allowances of these officers were not very clearly fixed; before the introduction of the farming system, a considerable Mamlutdar had 5,000 or 6,000 rupees a year, generally about one per cent. on the revenue, besides an undefined allowance for his expenses. He also made large unauthorized profits, often with the connivance of Government. He was reckoned reasonable if his whole profits did not exceed five per cent. on the net revenue.

Mahratta manner of collecting the Revenue. *

Every Mamlutdar on his appointment, or at the commencement of the year, received from Government an estimate of the revenue of his districts, with a list of all the authorized charges, including sebundies, pensions, religious expenses, salaries, &c. It was his duty to send in the balance to Government, and a proportion of it, generally half, was paid immediately; the rest was paid by instalments but always in advance. The Mamlutdar then proceeded

* Captain McLeod's paper, and in Captain Grant's letter of August 17th.

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ceeded to his district, and moved about to superintend his offices and to redress grievances; he kept a Vakeel at Poona, to receive all orders and answer all complaints. Complaints are said to have been readily heard; but as all was done by the prince or his prime minister, that must have depended on their leisure and patience. At the end of the year the Mamlutdar presented his accounts of the collections, confirmed by accounts signed by the Zemindars, and the receipts and expenditure in his own offices, drawn up by the Furnavees and signed by the other Durruckdars. These were carefully revised, and as, from the mode of payment in advance, there was generally a balance in favour of the Mamlutdar, all unauthorized charges were struck out of it, and often reductions were made on account of supposed embezzlements, without much proof or investigation. The admitted balance was carried on in account from year to year, was sometimes compromised by partial payments, by grants of annuities, &c., but was seldom fully paid. On the other hand, all balances due to the Government were exacted, though the Mamlutdar was not bound to pay the sum inserted in his estimate if the receipts fell short of it. If the defalcation was owing to corruption on his part he was obliged to refund, and if to his negligence he was removed from his office. Though in this adjustment of accounts all advantages appear to be on the side of the Government, yet the Mamlutdars do not appear to have complained, or to have suffered much in reality; they had probably many ways of making money, which eluded the utmost researches of the Government, especially as they could generally find means to engage the Zemindars and Durruckdars on their side. The sources of their profit were concealment of receipts (especially fees, fines, and other undefined collections), false charges for remissions, false musters, non-payment of pensions, and other frauds in expenditure.

The grand source of their profit was an extra-assessment above the revenue, which was called sander warred puttee. It was levied to pay expenses of the district not provided for by Government, and naturally afforded a great field for peculation. One of the chief of these expenses was called durbar khurch, or untust. This was originally applied secretly to bribe the ministers and auditors. By degrees their bribes became established fees, and the account audited like the rest; but as bribes were still required, another increase of collection took place for this purpose; and as the Auditor and Accountants did not search minutely into these delicate transactions, the Mamlutdar generally collected much more for himself than he did for his patrons. It was said that it was chiefly the Government that suffered by these frauds, and that the imposts did not fall heavy on the Ryots: if this were so, it was probably owing to the interest the Mamlutdars had in the prosperity of their districts, from the long periods for which they were allowed to hold them. Many men hold the same district for as long as fifty years.

Land Revenue.

The following was the manner in which the Mamlutdar raised the revenue from his district. At the beginning of the rains he sent for the Potail, gave him a general assurance that he should take no more than was usual, the Potail giving a written engagement specifying the quantity of cultivated land, the quantity of waste, and that granted at a just rent to new settlers, and promising to realize the Revenue. He then went to his village, encouraged the Ryots to cultivate, procured them loans or forbearance from former creditors, promised to get them takauvee (or advances from the Mamlutdar), and prevailed on them to undertake the ploughing of new lands. Takauvee was given by the Mamlutdar, not by the Government; it was payable in two or three years with interest, and security was given by the Potail or several of the Ryots.

About the end of our year, when the principal harvest was nearly ready to be cut, the Mamlutdar moved out into his district, and was attended by the Potails of villages, with their Koolkurnees, who laid before him the papers already enumerated. The whole country has been surveyed, and each field classed and assessed according to its circumstances and quality. The northern districts were surveyed by Mullick Umben, and the southern by the Adel Shanheekings, besides partial and imperfect attempts at surveys by the Mahrattas. The assessment fixed by those monarchs is called the tankha. The whole amount thus assessed was never actually realized in the same villages, while in others a greater revenue may have been collected. This gave rise to another

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another rate, being the highest ever paid, which is called the kamil or kamaul, and which is considered more applicable to practical purposes than the tunkha; that of the last year, or of any recent year, is called the wassool or aker. All these rates are contained in the Koolkurnee's papers, with the other particulars mentioned before, which ought to give a full view of the state of the inhabitants and cultivation. The Mamlutdar was enabled, by the intimate knowledge of the village possessed by his Shaikdars, to judge of the accuracy of these statements, and he proceeded to settle the revenue of the ensuing season on a consideration of the amount paid in former years, combined with a regard to the actual state of things. The Potail represented any ground there was for relaxation, in the terms in which he expected the support of the Daismook and Daispandee, all hereditary officers being considered as connected with the Ryots. The Potail was likewise accompanied by some of the principal Ryots, especially of the Meerassadars, who were witnesses to his proceedings, and who also assisted him with their opinions. These discussions generally ended in a second more particular agreement, on which the Potail interchanged with the Mamlutdar an engagement fixing the revenue: that of the Mamlutdar was called the jummabundee puttee, and that of the Potail kabool keetba. The Potails had generally settled with the Ryots the share which each was to bear before he came to make the settlement, and if any thing unexpected was proposed, so as to derange the distribution agreed on, he returned to his village to consult the Ryots anew. When the Potail continued obstinately to reject the terms offered by the Mamlutdar, a special officer was sent to the spot to examine the fields, and if no other means succeeded in effecting an adjustment, the Mamlutdar would offer to recur to what seems to have been the original principle in all settlements, namely, for Government to take half, and leave half to the cultivator. This plan was termed bhuttye. It is generally adopted in the Concan, but seldom resorted to above the Ghauts. Until the final settlement was made, the crops in many parts of the country were kept in charge of Havildars on behalf of Government, who allowed them to be carried off as soon as the settlement was completed. In the country immediately around Poona, however, and in that now under Sattara, this custom was not observed.

When the time for paying arrived, a Sebundy was sent by the Shaikdar to assist the Potail. The Mow summoned the Ryots, who paid their rent to the Potail in the presence of the Potedar, who assayed and stamped the money, and of the Koolkurnee who granted a receipt. When all was collected the Potail sent it by the Mow with a letter to the Daismook, and another to the Camavisdar under charge of the Chrougulla, and received a receipt from the Mamlutdar. If a Ryot refused or was unable to pay his revenue, the Sebundy pressed him for it, confined him in the village chokey, exposed him to the sun, put a heavy stone on his head, and prevented his eating and drinking until he paid. If this did not succeed he was carried to the Mamlutdar, his cattle were sold and himself thrown into prison or into irons. This rigorous treatment was seldom necessary for the regular revenue; it was more employed in exacting extraordinary taxes, and under the farming system the practice of it was frequent and severe. If a whole village resisted, these severities fell on the Potail; but previous to that extremity a horseman was billeted on the village, or a fine levied to induce it to submit. The payments were by three instalments, corresponding with the seasons of the rubbee, teesar, and khuruf crops; there was frequently another at the end of the year to recover all outstanding balances.

The above relates to the regular rent or tax on the land (for it may be considered as rent with regard to the Ooprees, and as a tax with regard to the Meerassadars); it is called by the natives ayen jumma (or proper collections).

Extra Revenue.

Another regular source of revenue, leviedpartly on the Ryots and partly on the other inhabitants, is that termed by the Mahrattas sewaee jumma (or extra collections); these taxes vary extremely in different districts and even in different villages.

The following list, though not complete, gives an idea of their nature: the first fall chiefly or entirely on the cultivators: dukuk puttee, a tax of one

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year's revenue in ten on the land of the Daismook and Daispandee; huk choutaee, a fourth of the fees levied every year; mow mharkee, a particular tax on the enams of the Mows; meeras pattee, an additional tax once in three years on Meerassadars; enam fijavee, a payment of Enamdars of a third of the Government share of their lands yearly; enam puttee, an occasional tax imposed in times of exigency on Enamdars; pandee gurm, an additional levy equal to twelve per cent. on the tanka once in twelve years; veher hoondee, an extra tax on lands watered from hills. Other taxes were on traders alone. These were mohterfa, a tax on shopkeepers varying with their means, in fact, an income tax; belootee, a tax on the twelve village servants: these, too, are sometimes included in the ayen jumma, and in some places the mohterfa forms a distinct head by itself; buzar heetick, a tax on stalls at fairs; hoomar khan, on the earth dug up by the potters. The following might fall indiscriminately on both classes; ghur puttee, or amber sarree, a house-tax levied from all but Brahmin village officers: bukhappanee, a fee on the annual examination of weights and measures; tug, a similar fee on examining the scales used for bulky articles; deckka, on the right to beat a drum on particular religious and other occasions; khereedy jins (or purveyance); the right to purchase articles at a certain rate: this was generally commuted for a money payment; luggun tukha, a tax on marriages; paut dauma, a particular tax on the marriage of widows; mhya puttee, a tax on buffaloes; bukra putta, a tax on sheep. There were also occasional contributions in kind, called fur furmanesh, such as bullocks' hides, charcoal, hemp, rope, ghee, &c., which were often commuted for fixed money payments; many other sums were paid in commutation for service. All these collections were made by the Potail in small villages, though in towns there was a separate officer to levy those most connected with the land. Government had other sources of revenue included in the sewaee jumma in each village; besides those enumerated. The principal were as follows: khamawis goonahgarree, or kund furshee, as fines and forfeitures; beitool maul (escheats); amaunt, (profit from deposits and temporary sequestrations); wern cheranee, paid by cattle grazing on Government lands; ghas kuttanee, or grass cut on Government lands; devustant dubhee, derived from offerings to idols; khurboozwarree, on melon gardens on the beds of rivers. Besides all this, and besides the gaum khareh, or village expenses, there were taxes to defray the mehaul sander warred, or district expenses, not already provided for by Government, in which were included many personal expenses of the Mamlutdars, and a large fund for embezzlement and corruption for himself, and the courtiers who befriended him.

Extraordinary and occasional Impositions.

In addition to all these exactions there were occasional impositions on extraordinary emergencies, which were called jastee puttee and yesksullee puttee. If these happened to be continued for several years, they ceased to be considered as occasional impositions, and fell into the regular sewaee jumma; but until the introduction of the farming system, they are said to have been as rare as the occasions which furnished the pretext for them.

The Farming System.

The changes introduced by that system may be described without much difficulty; they were, in fact, rather aggravations of the evils of the ancient system than any complete innovations. The office of Mamlutdar, instead of being conferred as a favour on a person of experience and probity, who could be punished by removal if his conduct did not give satisfaction, was put up to auction among the Peishwa's attendants, who were encouraged to bid high, and sometimes disgraced if they showed a reluctance to enter on this sort of speculation. Next year the same operation was renewed, and the district was generally transferred to a higher bidder. The Mamlutdar, thus constituted, had no time for inquiry and no motive for forbearance; he let his district out at an enhanced rate to under-farmers, who repeated the operation until it reached the Potails. If one of these officers farmed his own village, he became absolute master of every one in it. No complaints were listened to, and the Mamlutdar, who was formerly a check on the Potail as the Government was on the Mamlutdar, now afforded him an excuse for tyranny, of

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bearing the blame of his exactions. If the Potail refused to farm the village at the rate proposed the case was perhaps worse, as the Mamlutdar's own officers undertook to levy the sum determined on, with less knowledge and less mercy than the Potail; in either case, the actual state of the cultivation was an essential entirely disregarded: a man's means of payment, not the land he occupied, were the scale in which he was assessed. No moderation was shown in levying the sum fixed, and every pretext for fine and forfeiture, every means of rigour and confiscation were employed, to squeeze the utmost out of the people before the arrival of the day when the Mamlutdar was to give up his charge. Amidst all this violence a regular account was prepared, as if the settlement had been made in the most deliberate manner. This account was of course fictitious, and the collections were always underrated, as it enabled the Potail to impose on the next Mamlutdar, and the Mamlutdar to deceive the Government and his fellows. The next Mamlutdar pretended to be deceived: he agreed to the most moderate terms, and gave every encouragement, except tukavy (advances), to increase the cultivation; but when the crops were on the ground, or when the end of his period drew near, he threw off the mask and plundered like his predecessor. In consequence of this plan, the assessment of the land, being proposed early in the season, would be made with some reference to former practice, and sander waurred, and other puttees, would accumulate until the time when the Mamlutdar came to make up his accounts; it was then that his exactions were most severely felt, for he had a fixed sum to complete, and if the collections fell short of it he portioned out the balance among the exhausted villages, imposed a jastic (zeddutee) puttee, or extra assessment, to pay it, and left the Potails to extort it, on whatever pretence and by whatever means they thought proper. We are now suffering from this system, for as we have no true accounts, and are afraid to over assess, we are obliged to be content with whatever the people agree to. Captain Briggs' collections in Candeish, though willingly acceded to by the Ryots, are yet much heavier than any that appear in the accounts during the ten years of oppression that have depopulated Candeish. Some places, no doubt, escaped the oppressions of the farming system; where a village belonged to a man of influence, or a favourite of such a man, the assessment fell light on him, and he gained by the emigration of Ryots, occasioned by the misfortunes of his neighbours.

The above sources of revenue were collected by the village establishment; the following were in the hands of distinct officers directly under the Government.

Customs.

1st. Zukaut or Customs: this was a transit duty levied by the bullock-load, but the rate varied in proportion to the value of the article; the highest was eight rupees. It was levied separately in every district, so that property was frequently liable to be stopped and searched. To remedy this inconvenience there was a class called Hoondeekurrees in towns, who undertook for a single payment to pass articles through the whole country. These men arranged with the farmers of the customs, and were answerable to them for the sums due. In addition to the transit duty, there was a tax of twelve per cent. on the sale of animals included in the zakaut.

2d. The Government lands were another source of revenue, not included in the villages; they were divided into sharree (cultivated field), cooumas (grass land), baugh (gardens), and ambraee (orchards).

3d. The sheep pasture: this was a tax paid by the Killarees, or wandering shepherds, for the right to feed their flocks on all waste lands, from the Taptee to the Toombuddra.

4th. Ramdwa, a fee paid for leave to cut wood in the forests belonging to Government.

5th. Kotwallee. This may be called town duties; it comprized, besides the taxes included in sewaee jummet, a variety of other imposts, among which the most considerable was a tax of seventeen per cent. on the sale of houses.

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6th. Tunksaul, the Mint.

7th. Wuttun zubtee, produce of lands belonging to Zemindars sequestrated by Government.

8th. Nuzzer, fines or fees, paid on succession to property. If a son succeeded his father he was not liable to this payment, unless he were a Jagheerdar or other servant of Government; but in cases of adoption (that is, in almost all cases except where a son succeeded) it was exacted from all persons.

The first six articles were always, or almost always farmed; the rest were not. The zukaut before the cessions of Poona produced about five lacs of rupees; the sheep pastures about 25,000 rupees; the Mint at Poona yielded 10,000 rupees; the others were confounded with the general receipts of the districts where they were situated. The wuttun zubbee yielded 50,000 rupees; the amount of the nuzzers was too fluctuating to be guessed at.

The Kutwallee in Nana Furnavee's time yielded 50,000 rupees, of which a great part was produced by money extorted from persons guilty or suspected of adultery. Bajee Rao, much to his honour, abolished this pretext for extortion; but his lenity was far from being approved by the better part of his subjects. The other articles were trifling. Abkarry, which is so important with us, did not yield above 10,000 rupees; the use of spirituous liquors was forbidden at Poona, and discouraged every where else: the effects of this system on the sobriety of the people is very conspicuous.

Present Revenue System.

The outline of the Revenue system adopted since our acquisition of the country is contained in my letter dated July 10th, conveying instructions to the Collectors, and in that dated July 14th, enclosing instructions for Mamlutdars. The leading principles are to abolish farming, but otherwise to maintain the native system; to levy the revenue according to the actual cultivation; to make the assessments light; to impose no new taxes, and to do none away unless odious and unjust; and above all to make no innovations. Many innovations were, however, the result of the introduction of foreign rulers and foreign maxims of government, but in the Revenue department most of them were beneficial. The country, which has been under many Mamlutdars, with very unequal extent of territory and power, was placed under five principal officers (I include Sattara), with much superior weight and respectability. The chief authority now resided in the district, and devoted his whole time to its affairs, and all the subordinate agents were obliged to follow his example. The straggling revenue divisions of the Mahrattas were formed into compact districts, each yielding from 50,000 to 70,000 rupees a year, and placed under a Mamlutdar. The numerous partitions of revenue (choute, baubtee, &c.) being thrown into the hands of one agent were virtually abolished. The assessments were much lighter than formerly, and much more uniform and clearly defined. The powers of the Mamlutdars were limited, and the system of fixed pay and no perquisites was decidedly introduced in principle, though of course it may be still secretly departed from in practice. The improvements in the administration of the Revenue department are greater than in the rulers: faith is kept with the Ryot; more liberal assistance is given him in advances; he is not harassed by false accusations as pretexts to extort money; and his complaints find a readier hearing and redress. Some of our alterations are less agreeable to all or to particular classes; we have more forms and more strictness than our predecessors; the power of the Potail is weakened by the greater interference of our Mamlutdars. His emoluments are injured by our reductions of the saudee hamed; and even the Ryots, who were taxed for his profit, are made to feel the want of some of their charities and amusements, while they confound the consequent reductions of their payments with the general diminution in the assessment. The character of our Mamlutdars is not entirely what we could wish; as the country was occupied before the Peishwa's cause was desperate, few of his adherents would venture to join us, and we were obliged to employ such persons as we could procure, without much regard to their merit. In Poona and Sattara the Mamlutdars are nevertheless respectable servants of the old Government; I have more doubts regarding those in Candeish, being chiefly either from the Nizam's

Nizam's country (which is notorious for bad government), or from Hindoostan. I have strongly recommended to all the Collectors to take every opportunity to introduce servants of the former Government, but much time must elapse before this can be entirely accomplished. An important change is made by the introduction of some men from the Madras provinces: though very anxious to employ the Revenue officers of the Mahratta Government in general, I thought it desirable to have a very few of our old subjects, as well from general policy in a new conquest, as to introduce some models of system and regularity. As each Collector was to have two principal officers to check each other, I thought it would contribute to that object, and answer other ends, to have one of them from the Madras provinces. General Munro was also obliged to bring a very great proportion of persons of this description into the country under his charge. They are more active, more obedient to orders, more exact and methodical than the Mahrattas; but they introduce forms of respect for their immediate superiors quite unknown here, while they shew much less consideration for the great men of the country, and are more rough, harsh and insolent in their general demeanour. It might be worth while to consider how much of these characteristics they owe to us, and how much to the Mussulmans.

The duties of the Mamlutdar are to superintend the collection of the revenue, to manage the police, to receive civil and criminal complaints, referring the former to Punchayets and sending up the latter to the Collector. They have a Serishtadar who keeps their records, an Accountant, and some other assistants. The pay of a Mamlutdar is from seventy to a hundred and fifty rupees a month, and that of a Serishtadar from thirty-five to fifty.* The systems adopted by all the Collectors were founded on the Mahratta practice, though varying from it and from each other in some particulars. The foundation for the assessment in all was the amount paid by each village, in times when the people considered themselves to have been well governed. Deductions were made from this in proportion to the diminution of the cultivation, and afterwards further allowances were made on any specific grounds alleged by the Ryots. The amount to be paid was partitioned among the Ryots, by the village officers, and if all were satisfied, pottahs were given and the settlement was made.

All the Collectors abolished jastic puttees (or arbitrary taxes, having no reference to the land or trade), and all regulated the sander warred, doing away all exactions on that account more than were necessary for the village expenses. Captain Briggs even abolished the sander warred puttee altogether, and defrayed the village expenses from the Government revenue, limiting the amount to four per cent. on the gross jumma. The expediency of this arrangement is however doubtful, both as to the close restriction of the expense, and the laying it on Government: all paid great attention to the circumstances of the Ryots, and made their assessment studiously light. There were, however, some points of difference in their proceedings. Mr. Chaplin and Captain Grant contented themselves with ascertaining the extent of the land under cultivation, by the information of neighbours and of rival village officers, aided by the observation of their own servants. Captain Pottinger and Captain Robertson had the lands of some villages measured, but only in cases where they suspected frauds; and Captain Briggs began by a measurement of the whole cultivation, either of Gungterry alone or of both that and Candeish. All the Collectors kept up the principle of the ryotwar settlement, and some carried it to a greater extent than had been usual with the Mahrattas. Mr. Chaplin and Captain Pottinger, after settling with the Potail for the whole village, settled with each Ryot, and gave him a pottah for his field. Captain Grant and Captain Robertson settled with the Potail and gave him a pottah, but first ascertained the amount assessed on each Ryot, and inquired if he was satisfied with it; and Captain Briggs, though he settled for each field, did it all with the

* A detailed explanation of the operation of the Collector will be found in Mr. Chaplin's instruction to his sub-Collectors, enclosed in his letter of .... ; Captain Brigg's letter, dated 23d June 1819; Captain Grant's letter, dated 17th August 1819; Captain Robertson's letter of August 28th; and Captain Pottinger's instructions to Mr. Wilkins, in his letter of August 30th.

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the Potail, taking an engagement from him to explain at the end of the year how much he had levied on each Ryot.

This refers to the settlement with the villages: the customs have been farmed, on account of the difficulty of preparing a tarif, and of superintending the introduction of a new system, while the Collectors were so fully occupied in other matters. No complaints are made, from which it may be inferred that the present system, if not profitable to Government, is not oppressive to the people. The exemptions of our camp dealers have been done away, the original motives of them to prevent disputes between our people and the Peishwa being now no longer in force. The exemption made no difference in the price of articles to the troops, though it afforded a pretence for great frauds in the customs. The only good effect it had was to attach dealers to the camp bazars, but the exemption from taxes while in cantonments, and from the customs also when on service, may be expected to be sufficient to retain them.

The sheep pastures are still a distinct farm, but the arrangement is so inconvenient, from the want of authority in the hands of Collectors over shepherds entering their districts, that I propose to alter it.

None of the taxes called cottwallee are now levied, they having either been done away or suspended by Bajee Rao. If they should prove only to be suspended, the unexceptionable ones ought if possible to be restored.

The Abkarree I would recommend keeping in its present low state, by prohibitions, or by very heavy taxes.

The Mint is still farmed, but this should be changed as soon as a system regarding the coinage has been resolved on.

The other taxes require no particular remark. The tax on adoption ought to be kept up, as one that is little felt and is attended with advantages in recording successions.

Enams, and other Alienation of the Revenue.

These are all the receipts. The jagheers have been mentioned in another place, and the enclosed Statement, No. 9,* will show the whole of the other alienations of the late and former governments which have been confirmed by ours. It contains a statement of the enams or grants, generally of lands or rather Government share of the produce of land, including, however, in some instances when the extent is small, the meerassee or proprietary right also. It likewise shows all the other classes of grants and assignments on the revenue, whether to temples, to Mahommedan and Hindoo religionists, or to secular persons who had claims on the former Government; this class, however, is comparatively small.

The explanations annexed to the list sufficiently show the nature of each assignment; the whole amount of those grants, including those within the jagheers of the Putwurduns (which amount to 152,787), is 2,436,152, and those within the lands immediately managed by Government amount to 2,283,365 rupees.

It having been promised by the proclamation of Sattara that all enams were to be continued, the Collectors were authorised to confirm those of all persons who should make their submission before a certain day fixed by proclamation, and subsequently all enams were confirmed, even those of persons who had failed to make their submission. Although it is probable that many lands are held without authority under this denomination, it did not seem expedient to excite alarm by a scrutiny of the tenure, before the inhabitants had acquired confidence in our justice and moderation. I however fixed rules for determining on all claims that might be questioned, and those rules may hereafter be applied more extensively, especially when a survey shall have been commenced on. The principle of those rules is to confirm all enams held up to the war, if granted by the Peishwa, or those of great officers whom he entrusted with higher powers; to resume all granted by inferior officers since 1803, and all granted by Potails within the last thirty years, unless authorized or admitted in

* Not printed in these Selections.

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in accounts by the Peishwa; and to restore all resumed in the same unauthorized manner since 1803. The rules regarding the other assignments were as nearly on the same principles as the different nature of the case admitted of. They were calculated also to guard against any becoming hereditary which were not so by their own nature, or the practice of the Mahratta Government as confirmed in the proclamation of Sattara.*

Pensions.

I calculated in my letter, No. 78, that the rewards to the Putwurduns and other adherents would amount to five lacs of rupees, and the pensions to four lacs more. I am happy to say that the rewards in lands do not exceed one lack, and that the pensions, including those to adherents, will not exceed three. The enclosed paper, No. 11,† shews the amount and the classes on whom they are conferred.

Dufter, or Revenue Records of the Peishwa's Government.

In order to guard against fraudulent alienations, as well as to acquire a knowledge of the resources of the country, which rather than the realization of an immediate revenue I consider to be our principal business for the first year or two, I took early measures to secure the possession of any information that might have been in the hands of the Native Government. For this purpose I sent for the principal persons of the Peishwa's dufter from the places to which they had retired, and employed them to collect the records; I afterwards increased the establishment, and put it under the particular direction of Mr. M'Donnell, with the assistance of Lieutenant M'Leod, of the Bombay Engineers, whose knowledge of the Mahratta language peculiarly qualified him for such a task.

I also called on the Collectors, in July 1818, to use every endeavour to secure the accounts of each village for the ten years preceding our occupation of the country. Infinite difficulty was met with in procuring those papers, and it was soon found that little reliance was to be placed on them when procured; the attention of the Collectors is, however, still directed to that object, and the papers they procure will be of great value, from the mutual check between them and the dufter records.

The latter papers, however, though by no means free from the same faults as the village accounts, are those on which we may probably, for the present at least, depend the most, and they have now been fully examined, and have received a form suited to increase their utility. Numerous accounts, classed according to the present division of the country into districts, have already been issued to the Collectors to facilitate their local investigations. The account of the jagheers before alluded to has been drawn up, and complete lists of the various alienations of the revenue, arranged according to the districts, have also been transmitted to the Collectors. Other researches and arrangements are still continued, and notwithstanding the falsification of many of the old accounts before their transmission to the dufter, I entertain hopes that it will afford us an assistance in developing the resources of the country, which we have seldom enjoyed in any new acquisition. The enclosed paper, No. 12,† by Lieutenant M'Leod, fully explains the nature of the dufter, and the arrangements that have been accomplished in it.

Total amount of the Revenue.

The enclosed statements† shew the total amount of our collections, and will afford an opportunity of comparing them with those of Bajee Rao, and of conjecturing their probable amount hereafter.

No. 13† shews the whole of the territory possessed by the Peishwa in fusly 1225, A.D. 1816 (previous to the treaty of Poona), including seranjams and alienations of all kinds. It likewise shews the subsequent allotment of those territories. The following is an abstract of that document:

* The Rules on these subjects are contained in my circular letters dated 19th March, and 19th and 24th July 1819.

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Government Revenue.		Seranjams.		Alienation.		TOTAL.	
Kumal, or largest Collections ever known.	Collections of Fusly 1225.	Kumal.	Collections of Fusly 1225.	Kumal.	Collections of Fusly 1225.	Kumal.	Collections of Fusly 1225.
2,36,95,832	1,22,57,259	1,21,66,086	68,72,690	31,78,194	21,21,401	3,90,40,103	2,12,51,361
Deduct Alienation						31,78,194	21,21,401
Remains applicable to the purposes of Government						3,58,61,909	1,91,29,980

No. 14* shews the whole of the conquered territory as possessed by the British Government in 1818 and 1819. This differs from the above by the deduction of the cessions of Poona and of the revenue now given up to the Nizam, and by the addition of the cessions from Holkar. The following is an abstract of that document:

Government Collections.		Seranjams.		TOTAL.	
Kumal.	Collections.	Kumal.	Collections.	Kumal.	Collections.
1,08,13,698	90,21,160	68,29,000	21,39,241	1,76,42,693	1,11,60,401

No. 15* shews in one view the Mahratta collections in 1816, those of the British Government in 1818 and 1819, and those of the most prosperous times ever known in each district. There may be some inaccuracy in the column for 1816, but the comparison is correct for the present purpose. The following is an abstract of this document:

Kumal.	1225 or 1815-16.	1228 or 1818-19.
17,64,269 4¾	1,03,28,233 11	89,05,454 2¾

No. 16* is a statement of what our revenue will be after the arrangements now in progress shall be completed, by the cessions to the Rajah of Sattara, and the restoration of the personal jagheers. In these statements I have inserted the net collections of the Southern Concan and Oolpar, because, though under the Government of Bombay, they are part of the recent conquests, and because the expenses occasioned by the destruction of their government are met by the arrangements here, as much as the expenses of the same nature belonging to the other provinces.

It will appear by these statements that our collections fall considerably short of Bajee Rao's. There are various reasons for this decrease; the principal is the over-exaction of former years, which would probably have occasioned a defalcation even if the country had remained under the Peishwa. Another cause is the badness of the year in some places, the crops in the Carnatic having suffered by flood, and failed in the frontier towards the Nizam's to such a degree, as to occasion apprehensions of a famine; the ravages of the epidemic, and the alarm it excited among the inhabitants, have likewise interfered with the cultivation. Our inexperience also, and our ignorance of the real sources of the revenue, has doubtless led to great loss; but the grand causes of the smallness of our receipts has been the abolition of odious exactions, and our anxiety that the assessments should be light.

Receipts

* Not printed in these Selections.

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Receipts and Disbursements compared.

To enable Government to contrast the receipts with the disbursements, and to shew exactly the financial effects of this conquest, I have the honour to enclose a statement No. 17,* exhibiting the actual receipts and disbursements for the last year, and another, No. 18,* exhibiting the receipts and disbursements as they will stand at the beginning of January 1820, when the projected cessions shall have taken place, and the intended reductions have had full effect. In these statements I have inserted the expenses of the auxiliaries, and have taken credit for the cessions meant to defray those expenses. I have also deducted such military and other expenses as would have occurred had no war taken place. Any other way of proceeding would have given a fallacious view of the effect of this conquest on our finances.

The expenses for the past year fell short of the receipts by more than nine lacs and a half of rupees; and the balance in the immediately succeeding year after the present arrangements shall have been completed will be upwards of twenty-four lacs. I beg it may be particularly observed, that this last statement is given to shew how the revenues and expenses will stand after the present reductions are completed, and is not to be reckoned on as an estimate of our immediate receipts. Between the month of May 1819 when the first statement ends, and January 1820 when the other begins, there will be many heavy expenses; the donation to the troops, the compensation for losses by the war, and the presents to the discharged auxiliaries, will much exceed the revenues for the same eight months, and carry a balance against us into the year 1820, amounting to at least seven lacs of rupees.

Probable Augmentation of the Resources.

It is seldom safe to calculate on the state of things at a remote period, yet there are some improvements in our situation that can scarcely fail to take effect, unless we are visited by plague, famine, war, or general insurrection. If those scourges be averted, we may safely calculate on the following improvements in the course of the next ten years.

Considering the income derived from this territory by Bajee Rao under a very bad revenue system, we might reasonably reckon on an increase of revenue, even if no improvement were to take place in the cultivation. On the other hand, the great capability of the country, the great quantity of additional land that has already been brought under the plough, the strong sensation that has appeared among the Meerassadars indicative of the increasing value of that sort of property, and the numerous applications for istawa cowles, justify us in expecting a considerable addition to the revenue from the improvement of the state of agriculture. The nearest territory to this (the Ceded Districts) increased in eight years from twelve lacs of pagodas to eighteen, and without venturing to anticipate a similar augmentation here (the amount of which could be upwards of twenty-seven lacs of rupees), we may fairly expect an addition of ten lacs of rupees in ten years, even supposing the districts now under Bombay to remain as they are. In this improvement I have not mentioned the falling in of jagheers, nor shall I in the reductions mention the expiring of pensions: yet these are funds from which a good deal may be expected. The amount of pecuniary pensions, and land held during pleasure, will have proved enormous: but that is in reality one of the greatest advantages which this territory presents, since that mode of rewarding services has prevented the great alienations of land that would otherwise have taken place. In the Ceded Districts, the amount of revenue thus irretrievably lost to Government is equal to the amount that remains: here it is only a seventh or an eighth. On the other hand, we may rely with certainty on most of the following reductions:

The commission, now estimated at four lacs, one of which may be permanent, but three must certainly be reduced.

The civil expenses are now reckoned at twenty-five per cent.; they may certainly be brought down to twelve per cent. in ten years; which will give a saving of seven lacs of rupees a year.

The Sebundies might in that time doubtless be reduced from eight to four lacs of rupees, and a still greater reduction might take place among the auxiliaries.

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auxiliaries. If any thing considerable is now obtained from the Nizam, it may at once be put down among the improvements in our income: but if he only pay the 2,80,000 estimated in the statement, he may at least be expected to take 1,000 of our horse into pay. Ten years will surely afford opportunities for transferring, reducing, or otherwise providing for the greater portion of the remaining 1,500 horse, and this, with reductions in the infantry, will bring down the expenses from seventeen lacs to five.

In ten years the whole of the troops may be placed on garrison allowances, and all extra expenses done away; but even if it were still necessary to keep a force equal to the old subsidiary force (seven battalions of infantry, with a regiment of cavalry and horse artillery, on field allowances and establishments), the saving would be still 16,00,000.

The whole amount of these improvements, as shewn by the statement in the margin,* is fifty two lacs of rupees, and it gives, I conceive, a very moderate idea of the value of this territory. The whole of these calculations are made on the supposition of the utmost moderation, both in increasing the revenue and lessening the expenditure. Too much eagerness in either will, I am persuaded, be found more adverse to real economy than even the opposite error.

Improvements suggested.

I will now mention a few alterations that I think might be undertaken, some immediately, and others at a more distant period.

The divisions under Mamlutdars may be increased in size as they become acquainted with the country, and with this I would recommend a considerable addition to their pay: this is not only advisable to secure their honesty, but to keep up a respectable class educated for this duty.

The district of Poona may be greatly extended by an addition from Ahmednuggur, and the Sub-Collector in Gungterry, with his establishment, may be done away. Both the Sub-Collectors of the Carnatic may likewise in time be dispensed with, one in all probability immediately.

Great retrenchments are to be made in the village expenses, not blindly, but by examining the charges in good times, and ascertaining the real interest and wishes of the Ryots regarding all that are not in their nature fixed. Care should be taken in this operation not to trench too much on the influence and consequence of the Potail. It ought to be remembered that he is the key-stone of the village system, on which so much depends.

A survey of the lands ought to be undertaken as soon as the people have sufficient confidence in us not to be alarmed.

No opportunity should be spared to consolidate lands, and to do away the Mahratta system of umuls, or money collections, allotted to one man in a village belonging to another or to Government. The consent of the owners should be obtained to this, as should that of the Daismooks, &c., to relinquish their vexatious claims on villages for portions of the revenue and petty payments in kind. This, however, will be difficult to accomplish with the good will of the owners, and it ought not to be extended to watchmen and others, whose efficiency depends on this mode of payment.

The customs may perhaps be regulated with profit both to Government and the subject.

The complicated collections of taxes called sewaee jumma, may perhaps be improved. No source of revenue should be given up till it is well understood, and care must be taken not to abolish a tax which reaches a portion of the community

* Improvement in the revenue	Rupees	10,00,000
Commission abolished		3,00,000
Civil expenses saved		7,00,000
Sebundies discharged		4,00,000
Auxiliaries ditto		12,00,000
Saving in extra expenses of regular troops		16,00,000
Total saving	Rupees	52,00,000

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community, on whom, though proper objects for taxation, no other imposts may fall. Nor ought taxes to be abolished until it is certain no others will be required, as the odium of imposing one might be compensated by the abolition of the other. But with these reservations, many branches of the sewaee jumma may perhaps be abolished, and the others consolidated so as to give less trouble to the Collectors, less vexation to the Ryots, and less opportunity of fraud to the under agents.

As the population increased, tanks and embankments on rivers may be thought of with advantage, and trade with the revenue dependent on it may be increased by improving the roads. But the greatest of all improvements would be any alteration which would ameliorate the condition of the Ryots. A considerable portion of that class are already Meerassadars, who are observed to be much more respectable people than the other inhabitants: the most natural improvement therefore seems to be to bring the others to the same situation. A full and careful examination of the real advantages of a Meerassadar might perhaps point out some means of increasing the class that I am not now aware of; but if, when the survey is completed and the assessment formed on it, the Government were to fix its share at one-third of the produce, as recommended by General Munro in the case of the Ceded Districts, instead of one-half as is usual at present, it seems certain that all the cultivated land would become saleable, and all the Ryots might be made Meerassadars. The ultimate profit by this plan, even in a pecuniary point of view, is well known, and I do not think that any immediate loss would occur to prevent the realization of the prospect I have held out of an increase of ten lacs in ten years That sum is itself much under what may be expected from mere increase of cultivation, and our inquiries before and during the survey will probably bring to light concealed cultivation and fraudulent alienation, sufficient to cover any diminution which the remission may cause in the revenue.*

Police and Criminal Justice.—Mahratta System of Police.

The Mahratta system of police is that common in the Deccan, which has already been too fully described to require a minute account.

Village Police.

The Potail is responsible for the police of his village. He is aided by his Koolkurnee and Chougulla, and when the occasion requires it, by all the inhabitants. His great and responsible assistant in matters of police is the village watchman, who is called the Talarree in the Carnatic, the Mhaow in the Mahratta country, and the Jagla in Candeish: in the first named district, he is by caste a Bedar; in the second, a Dher; and in the third, a Bheel. Though there is only an allowance for one watchman in a village, the family has generally branched out into several members, who relieve and aid each other in the duties. The duties are to keep watch at night to find out all arrivals and departures, observe all strangers, and report all suspicious persons to the Potail. The watchman is likewise bound to know the character of each man in the village, and in the event of a theft committed within the village-bounds it is his business to detect the thief. He is enabled to do this by his early habits of inquisitiveness and observation, as well as by the nature of his allowance, which being partly a small share of the grain and similar property belonging to each house, he is kept always on the watch to ascertain his fees, and always in motion to collect them. When a theft or robbery happens, the watchman commences his inquiries and researches; it is very common for him to track a thief by his footsteps, and if he does this to another village so as to satisfy the watchmen there, or if he otherwise traces the property to an adjoining village, his responsibility ends, and it is the duty of the watchmen of the new village to take up the pursuit. The last village to which the thief has been clearly traced becomes answerable for the property stolen, which would otherwise fall on the village where the robbery was committed. The watchman is obliged to make up this amount as far as his means go, and the remainder

* Since this report was written, I have received Mr. Chaplin's jummabundy report, dated....., I beg leave to refer to it for the fullest and most correct information on the subject I have treated on, and many others connected with revenue.

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remainder is levied on the whole village. The exaction of this indemnity is evidently unjust, since the village might neither be able to prevent the theft nor to make up the loss, and it was only in particular cases that it was insisted on to its full extent; but some fine was generally levied, and neglect or connivance was punished by transferring the enam of the Potail or watchman to his nearest relation, by fine, by imprisonment in irons, or by severe corporal punishment. This responsibility was necessary, as besides the usual temptation to neglect, the watchman is often himself a thief, and the Potail disposed to harbour thieves, with a view to share their profits. This peculiar temptation, in case of theft, has made that offence be most noticed; in other crimes the village has less interest in connivance, and probably is sufficiently active; but gross negligence in these cases also would have been punished by the Government. I have mentioned that besides the regular village watchmen, others were often entertained from the plundering tribes in the neighbourhood. Their business was to assist in repelling open force and to aid in the apprehension of all offenders, but chiefly to prevent depredations by their own tribes, and to find out the perpetrators when any did occur.

District Police.

The Potail was under the same authority as a police officer that he was as a revenue one, the Mamlutdar, who employed the same agents in this department as in the other. The Mamlutdar saw that all villages acted in concert and with proper activity, and where there was a Sirsubadar he kept the same superintendence over the Mamlutdars. These officers had also considerable establishments to maintain the tranquillity of their district. These were the sebundees, or irregular infantry, and the small parties of horse which were kept in every district; they were, however, employed to oppose violence and support the village police, not to discover offenders. With the Mamlutdar, also, rested all general arrangements with the chiefs of Bheels, or other predatory tribes, either for forbearing from plunder themselves, or for assisting to check it in others. The Mamlutdar had great discretionary powers, and even a Potail would not hesitate to secure a suspected person, or to take any measure that seemed necessary to maintain the police of his village for which he was answerable.

This was the plan of the police up to the time of Bajee Rao, during the reign of Madhoo Rao first, and likewise during the administration of Nana Furnavees; it is said to have succeeded in preserving great security and order.

Alterations under Bajee Rao.

The confusions in the commencement of Bajee Rao's reign, the weakness of his own government, the want of employment for adventurers of all kinds, and the effects of the famine, greatly deranged the system of police; and to remedy the disorders into which it fell, an officer was instituted under the name of Tapposnavees, the special duty of which was to discover and seize offenders. The Tapposnaveesses had districts of different extent, not corresponding with the usual revenue divisions, and only comprehending those portions of the country where the services of such officers were thought to be most required. They had a jurisdiction entirely independent of the Mamlutdars; and had a body of horse and foot, which was the principal instrument of their administration. They had also Ramoossees and spies who they employed to give information, and on receiving it they went with a body of horse to the village where the theft happened, and proceeded to seize the Potail and the watchmen, and to demand the thief or the amount of the property stolen, or the fine which they thought proper to impose, if the offence were any other than theft. The detection of the offender they seem to have left in general to the ordinary village police. It may be supposed that such a violent proceeding, and one so foreign to the ordinary system, could not fail to clash with the former institutions; and, accordingly, there were constant and loud complaints by the Mamlutdars and villagers, that the Tapposnaveesses were only active in extorting money under false accusations, and that robbers rather flourished under their protection. The Tapposnaveesses, on the other hand, complained of indifference, connivance, and counteraction on the part of the villagers and Revenue officers. Great abuses, it must be mentioned,

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mentioned, are stated to have at all times existed, even under the regular system. Criminals found refuge in one district when chased out of another; some Jagheerdars and Zemindars made a trade of harbouring robbers, and any offender, it is said, could purchase his release if he had money enough to pay for it. False accusations were likewise made a cloak to exaction from the innocent, and villages were obliged to pay the amount of plundered property, in the loss of which they had no share, and for which the losers received no compensation. There cannot be a stronger proof of the enormous abuses to which the former police was liable, than is furnished by an occurrence in the city of Poona, under the eye of Government, in the days of Nana Furnavees. There was at that time a Cutwal called Ghassee Ram, a native of Hindoostan, who was much trusted and rose to great eminence. This man was convicted of having for many years employed the powers of the police in murders and oppressions, which the natives illustrate by stories far beyond belief; his guilt was at length detected, and excited such indignation that, though a Brahmin, it was decided to punish him capitally; he was, therefore, led through the city on a camel and then abandoned to the fury of the populace, whom this exposure had assembled, and by them stoned to death.

Police of Poona.

In Bajee Rao's time, 9,000 rupees a month was allowed to the officer who had charge of the police at Poona; from this he had to maintain a very large establishment of Peons, some horse patroles, and a considerable number of Ramoosses, besides being answerable for the amount of property plundered whenever the Peishwa thought proper to call on him. Still his appointment was reckoned lucrative, as the pay of his establishment was very low, and both he and they derived much profit from unavowed exactions. The police, however, was good, on the whole; murder or robberies attended with violence and alarm were very rare, and I have never heard any complaints of the insecurity of property.

Criminal Justice under the Mahrattas.

Next to the prevention of crimes and the apprehension of criminals, comes the manner in which offences, &c. are tried and punished: in this are involved the authorities competent to try, the forms of trial, and the law by which guilt is defined and punishment awarded.

By whom administered.

The powers of administering criminal justice under the Mahratta government was vested in the Revenue officers, and varied with their rank, from the Potail, who could only put a man for a few days in the village chokee, to the Sirsoobedar, who in latter days had the power of life and death. Formerly this power was confined to persons invested with the full powers of government, by being entrusted with the mootallikie seal, and to great military chiefs in their own armies or their own jagheers.

The right of inflicting punishment was, however, extremely undefined, and was exercised by each man more according to his power and influence than to his office. One Potail would flog, fine, and put in the stocks for many weeks, and another would not even venture to imprison. Most Mamlutdars would hang a Ramoossee, Bheel, or many robbers without a reference; and those at a distance would exercise their power without scruple, while the highest civil officers, if at Poona, would pay the Peishwa the attention of applying for his sanction in a capital case. A chief was thought to have authority over his own troops and servants wherever he was. Scindia, while he affected to act under the Peishwa, put many of his chiefs and ministers (even Brahmins) who had been accused of plots, to death. At Poona, Appa Dessye, in 1813, while completely in the Peishwa's power, blew away one of his Sirdars from a gun, for a conspiracy against him, and was never questioned, thoughthe execution took place within a mile of Poona.

Trial.

There was no prescribed form of trial. A principal rebel, or a head of banditti, would be executed at once, on the ground of notoriety; any Bheel caught in a part of the country where the Bheels were plundering the road, would

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would be hanged immediately. In doubtful cases, the chief authority would order some of the people about him to inquire into the affair. The prisoner was examined, and if suspicions were strong, he was flogged to make him confess. Witnesses were examined, and a summary of their evidence, and of the statement of the accused were always taken down in writing: they were sometimes confronted with the accused, in the hope of shaming or perplexing the party whose statement was false: but this was by no means necessary to the regularity of the proceedings. The chief authority would generally consult his officers, and perhaps employ a committee of them to conduct an inquiry; but I should doubt whether Punchayets were ever generally employed in criminal trials, though mentioned by Captain Grant to have been so in the Sattara country.

In crimes against the state, the prince made such inquiries, or directed his ministers to make such, as seemed requisite for his own safety, and gave such orders regarding the accused as their case seemed to require. Torture was employed to compel confession and disclosure of accomplices.

Criminal Law.

Trials of this sort were naturally considered in a despotic government as above all law; but even in common criminal trials no law seems ever to be referred to, except in cases connected with religion, where Shastrees were sometimes consulted: the only rule seems to have been the custom of the country, and the Magistrate's notion of expediency. The Hindoo law was quite disused, probably owing to its absurdity; and although every man is tolerably acquainted with its rules in civil cases, I do not believe any one but the very learned has the least notion of its criminal enactments.

Punishment.

The following were the customary punishments: murder, unless attended with peculiar atrocity, appears never to have been capital, and was usually punished by fine; highway robbery was generally punished with death, because it was generally committed by low people, for a greater distinction was made in the punishment on account of the caste of the criminal than the nature of the crime. A man of tolerable caste was seldom put to death, except for offences against the state; in such cases birth seems to have been no protection. Wittoojee, the full brother of Jeswunt Rao Holkar, was trampled to death by an elephant for rebellion, or rather for heading a gang of predatory horse. Syajee Atolee, a dispossessed Jagheerdar, was blown away from a gun for the same offence: yet it is well observed by Mr. Chaplin, that treason and rebellion were thought less of than with us. This originated in a want of steadiness, not of severity, in the Government. When it suited a temporary convenience, an accommodation was made with a rebel, who was immediately restored, not only to safety, but to favour. Balkishen Gungadhur received a jagheer for the same insurrection for which Wittoojee Holkar was put to death. Weswass Rao Ghatky, who headed a large body of plundering horse, and was cut up by the Duke of Wellington at Mankaiseer, was treated with much favour by the Peishwa; but Abdoola Khan, a relation of the Nabob of Suwanore, who committed the same offence at a subsequent period, was blown away from a gun. The other punishments were hanging, beheading, cutting to pieces with swords, crushing the head with a mallet. Punishments though public were always executed with little ceremony or form. Brahmin prisoners who could not be executed were imprisoned or made away with by deleterious food; bread made of equal parts of flour and salt was one of those. Women were never put to death: long confinement and the cutting off the nose, ears and breast were the severest punishments inflicted on them. Mutilation was very common, and the person who had his hand, foot, ears, or nose cut off, was turned loose as soon as the sentence was executed and left to his fate. Imprisonment in hill forts and a dungeon was common; and the prisoners, unless they were people of consideration, were always neglected, and sometimes allowed to starve. Prisoners for theft were often whipped at intervals, to make them discover where the stolen property was hidden. Hard labour, in building fortifications especially, was not unknown, but like most ignominious punishments was confined to the lower orders. Branding with a hot iron is directed by the Hindoo law, but I do not know that it was practised.

Flogging

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Flogging with a martingall was very common in trifling offences, such as petty thefts, &c. But the commonest of all punishments was fine and confiscation of goods, to which the Mâmlutdar was so much prompted by his avarice, that it is often difficult to say whether it was inflicted as the regular punishment, or merely made use of as a pretence for gaining wealth. On the one hand it seems to have been the Mahratta practice to punish murder, especially if committed by a man of good caste, by fine; but on the other, the Mamlutdars would frequently release Bheel robbers contrary to the established custom, and even allow them to renew their depredations, on the payment of a sum of money. No other punishment, it may be averred, was ever inflicted on a man who could afford to pay a fine; and on the whole the criminal system of the Mahratta was in the last state of disorder and corruption.

Prevailing Crimes.

Judging from the impunity with which crimes might be committed under a system of criminal justice and police such as has been described, we should be led to fancy the Mahratta country a complete scene of anarchy and violence. No picture, however, could be further from the truth. The reports of the Collectors do not represent crimes as particularly numerous: Mr. Chaplin, who has the best opportunity of drawing a comparison with our old provinces, thinks them rarer here than there. Murder for revenge, generally arising either from jealousy or disputes about landed property, and as frequently about village rank, is mentioned as the commonest crime among the Mahrattas. Arson and cattle stealing, as a means of revenging wrongs or extorting justice, is common in the Carnatic. Gang robberies and highway robbery are common, but are almost always committed by Bheels and other predatory tribes, who scarcely form a part of the society; and they have never, since I have been in the country, reached to such a pitch as to bear a moment's comparison with the state of Bengal described in the papers laid before Parliament.

Attempt to account for their Rarity.

It is of vast importance to ascertain the causes that counteracted the corruption and relaxation of the police, and which kept this country in a state superior to our oldest possessions amidst all the abuses and oppressions of a Native Government. The principal causes to which the disorders in Bengal have been attributed, are the over population, and the consequent degradation and pusillanimity of the people; the general revolutions of property, in consequence of our revenue arrangements, which drove the upper classes to disaffection and the lower to desperation; the want of employment to the numerous classes, whether military or otherwise, who were maintained by the Native Government; the abolition of the ancient system of police, in which besides the usual bad effects of a general change were included the removal of responsibility from the Zemindars; the loss of their natural influence, as an instrument of police; the loss of the services of the village watchmen, the loss of a hold over that class which is naturally disposed to plunder, and in some cases the necessity to which individuals of it were driven to turn robbers, from the resumption of their allowances; the separation of the revenue, magisterial, judicial, and military powers, by which all were weakened; the further weakness of each from the checks imposed on it; the delays of trials, the difficulties of conviction, the inadequacy of punishment, the trouble and expense of prosecuting and giving evidence; the restraints imposed by our maxims on the assumption of power by individuals, which, combined with the dread of the Adawlut, discouraged all from exertion in support of the police; the want of an upper class among the natives, which could take the lead on such occasions; and to conclude, the small number of European Magistrates who supply the place of the class last mentioned, their want of connection and communication with the natives, and of knowledge of their language and character.

The Mahratta country presents in many respects a complete contrast to the above picture. The people are few compared to the quantity of arable land; they are hardy, warlike, and always armed till of late years: the situation of the lower orders was very comfortable, and that of the upper prosperous. There was abundance of employment in the domestic establishments and foreign conquests of the nation. The ancient system of police was maintained, all the powers of the state were united in the same hands, and their vigour was

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was not checked by any suspicions on the part of the Government or any scruples on their own. In cases that threatened the peace of society apprehension was sudden and arbitrary, trial summary, and punishment prompt and severe. The innocent might sometimes suffer, but the guilty could scarcely ever escape As the Magistrates were natives, they readily understood the real state of a case submitted to them, and were little retarded by scruples of conscience, so that prosecutors and witnesses had not long to wait. In their tax system, men knew that if they were right in substance they would not be questioned about the form; and perhaps they likewise knew, that if they did not protect themselves, they could not always expect protection from the Magistrate, whose business was rather to keep down great disorder than to afford assistance in cases that might be settled without his aid. The Mamlutdars were themselves considerable persons, and there were men of property and consideration in every neighbourhood; Enamdars, Jagheerdars, or old Zemindars. These men associated with the ranks above and below them, and kept up the chain of society to the prince; by this means the higher orders were kept informed of the situation of the lower, and as there was scarcely any man without a patron, men might be exposed to oppression, but could scarcely suffer from neglect.

Means of preserving an efficient Police.

Many of the evils from which this country has hitherto been exempt, are inseparable from the introduction of a foreign government, but perhaps the greater may be avoided by proper precautions. Many of the upper classes must sink into comparative poverty, and many of those who were employed in the court and army must absolutely lose their bread. Both of these misfortunes happened to a certain extent in the commencement of Bajee Rao's reign: but as the frame of government was entire, the bad effects of these partial evils were surmounted. Whether we can equally maintain the frame of government is a question that is yet to be examined. The present system of police, as far as relates to the villages, may be easily kept up; but I doubt whether it is enough that the village establishment be maintained, and the whole put under a Mamlutdar. The Potail's respectability and influence in his village must be kept up, by allowing him some latitude, both in the expenditure of the village expenses and in restraining petty disorders within his village. So far from wishing that it were possible for the European officers to hear all complaints on such subjects, I think it fortunate that they have no time to investigate them, and think it desirable that the Mamlutdars also should leave them to the Potails, and thus preserve a power, on the aid of which we must in all branches of the Government greatly depend. The zealous co-operation of the Potails is as essential to the Collector of the Revenue and to the administration of civil justice, as to the police, and it ought, therefore, by all means to be secured. Too much care cannot be taken to prevent their duty becoming irksome, and their influence impaired, by bringing their conduct too often under the correction of their superiors. I would lend a ready ear to all complaints against them for oppression, but I would not disturb them for inattention to forms; and I would leave them at liberty to settle petty complaints their own way, provided no serious punishment were inflicted on either party. We may weaken the Potails afterwards if we find it necessary, and retrench their emoluments: but our steps should be cautious, for if we once destroy our influence over the Potails, or theirs over the people, we can never recover either. Care ought also to be taken of the condition of the village watchman, whose allowance, if not sufficient to support him and to keep him out of temptation to thieve, ought to be increased: but it ought not to be so high as to make him independent of the community; and it ought always to be in part derived from contributions, which may compel him to go his rounds among the villagers, as at present.

If the village police be preserved, the next step is to preserve the efficiency of the Mamlutdar. At present all powers are vested in that officer, and as long as the auxiliary horse and Sebundies are kept up, he has ample means of preserving order. The only thing requisite at present is, that the Mamlutdar should have higher pay, to render him more respectable and more above temptation, and to induce the better sort of natives to accept the office. When the Sebundies are reduced in numbers and the horse discharged, our means

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means of preserving the police will be greatly weakened, at the same time that the number of enemies to the public tranquillity will be increased: the number of Sebundies now in our pay, by giving employment to the idle and needy, contributes, I have no doubt, more than any thing else to the remarkable good order which this part of our new conquests has hitherto enjoyed. The Mamlutdar will also feel the want of many of the Jageerdars and others of the upper class, who used to aid his predecessors with their influence, and even with their troops. The want of that class will be still more felt, as a channel through which Government could receive the accounts of the state of the districts and of the conduct of the Mamlutdars themselves. The cessation of all prospect of rise will of itself, in a great measure, destroy the connexion between them and their rulers; and the natural distance which, I am afraid, must always remain between natives and English gentlemen, will tend to complete the separation. Something may be done by keeping up the simplicity and equality of Mahratta manners, and by imitating the facility of access which was conspicuous among their chiefs. On this also the continuance of the spirit of the people and of our own popularity will probably in a great measure depend. Sir Henry Strachey, in his report laid before Parliament, attributes many of the defects in our administration in Bengal to the unmeasureable distance between us and the natives, and afterwards adds, that there is scarcely a native in his district who would think of sitting down in the presence of an English gentleman. Here every man above the rank of a Hircarrah sits down before us, and did before the Peishwa; even a common Ryot, if he had to stay any time, would sit down on the ground. This contributes, as far as the mechanical parts of the society can, to keep up the intercourse that ought to subsist between the governors and the governed; there is, however, a great chance that it will be allowed to die away. The great means of keeping it up is, for gentlemen to receive the natives often, when not on business. It must be owned there is a great difficulty in this. The society of the natives can never be in itself agreeable: no man can long converse with the generality of them without being provoked with their constant selfishness and design, wearied with their importunities, and disgusted with their flattery. Their own prejudices also exclude them from our society in the hours given up to recreation, and at other times want of leisure is enough to prevent gentlemen receiving them; but it ought to be remembered that this intercourse with the natives is as much a point of duty, and contributes as much towards good government, as the details in which we are generally occupied.

Much might likewise be done by raising our Mamlutdars to a rank which might render it creditable for native gentlemen to associate with them. It must be owned our Government labours under natural disadvantages in this respect, both as to the means of rendering our instruments conspicuous and of attaching them to our cause. All places of trust and honour must be filled by Europeans. We have no irregular army to afford honourable employment to persons incapable of being admitted to a share of the government, and no court to make up by honours and empty favour for the absence of the other more solid objects of ambition. As there are no great men in our service we cannot bestow the higher honours on the lower, on which also the natives set a high value, as the privilege of using a particular kind of umbrella, or of riding in a palanquin, cease to be honours under us from their being thrown open to all the world. What honours we do confer are lost from our own want of respect for them, and from our want of sufficient discrimination to enable us to suit them exactly to the person and the occasion, on which circumstances the value of these fanciful distinctions entirely depends.

To supply the place of these advantages we have nothing left but good pay, personal attentions, and occasional commendations and rewards. The first object may be attained without much additional expense, by enlarging the districts, diminishing the number of officers, and increasing their pay. The pay might also be augmented for length of service, or in reward of particular activity. It might be from 200 to 250 rupees at first, and increase one-sixth for every five years service; khilauts might also be given as occasional rewards for services; and above all lands for life, or even on rare occasions for two or three lives, or in perpetuity, ought to be given to old or to meri-

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torious servants. Besides the immediate effect of improving the conduct of the Mamlutdars by these liberalities, the political advantages would be considerable, by spreading over the country a number of respectable persons attached to the Government, and capable of explaining its proceedings. If these grants could often be made hereditary, we should also have a source from which hereafter to draw well educated and respectable men to fill our public offices, and should found an order of families exactly of the rank in life which would render them useful to a Government circumstanced like ours. The jagheer lands as they fall in might be applied to this purpose; and I think it would be great policy to make the rules regarding the resumption at the death of the present incumbents much stricter, if they were to be applied to this purpose, since we should gain more of useful popularity by grants of this kind than we should lose by dispossessing the heirs of many of the present Jagheerdars. It would be a further stimulus to the Mamlutdars, at the same time that it contributed to the efficiency of the system, to put the office of Duffterdar with the Collector on such a footing, as to render it a sufficient object of emulation. For this purpose I would allow it 1,000 rupees a month, which, considered as the very highest salary to which a native could attain, is surely not too much. I have fixed these allowances below what I at first thought it expedient, and in judging of their amount the great difference in expense between this territory and the old provinces must be borne in mind. The pay of the common servants here is more than double what it is in Bengal: but if the proposed allowances should still seem more than the finances can bear, it ought to be recollected that economy no less than policy requires liberal pay when there is considerable trust; a maxim long since confirmed in its application to the natives, by the experience and sagacity of General Munro.

Having thus formed a chain from the Potail to the Collector, and having provided them with such rewards as circumstances will admit, it is of at least equal importance to take care that they should be punished for neglect. The proposed improvement in the situation of a Mamlutdar provides some means for punishing him, by affording him allowances which it would be a serious misfortune to lose, and which would admit of his paying fines by giving him a character that should make reproof a punishment, and prospects which he would be unwilling to forfeit. Imprisonment or other punishment may be added, if his offence were more than neglect. A still stronger responsibility must be imposed on the Potail, village watchman, and in villages were the Koolkurnee manages, on him also. The practice of levying the value of the property lost in the village ought not, I think, to be entirely abandoned. I am aware that it has been objected to by the highest authorities, and that it is in reality harsh and often unjust, but I think it better to regulate than abandon it. It is a coarse but effectual remedy against the indifference of the neighbourhood to the sufferings of individuals, and if the great secret of police be to engage many people in the prevention and punishment of crimes, it will not perhaps be easy to find a measure more advisable. It was adopted by our own early law-givers, and is not less suited to the state of society in India than it was in England under Alfred. When it is plain that a village could not prevent a robbery, the exaction of the money could of course be remitted; but, where there is either negligence or connivance, it ought to be levied either whole or in part. A fine would, at all events, be expedient in such a case, and this is a popular and established method of levying it: it keeps a heavy punishment hanging over every village where a robbery is committed, and throws the burthen of proving its innocence upon it, whereas a fine would require proof of actual connivance, and would after all be complained of as a hardship; while a levy of the same sum in lieu of the property lost would, if less than the value of the property, be felt as an indulgence.

It appears an objection to this plan, that it affords the Mamlutdar an opportunity of collecting more than he brings to account; but in such a case the villagers will of course complain, as they always did when the money was taken from them unreasonably, and this abuse, like many others, must depend for a remedy on the vigilance of the Collector.

On this, indeed, it will have been long since observed the whole system must depend, its object being to provide sufficient powers, and leave it to the principal

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cipal officer to guard against the abuse of them. That he will always succeed is more than I would promise; but perfection is not to be looked for, and we have only the choice of taking away from our agents the power to do good, or leaving them in some degree the power to do harm. Against this even a system of check and limitation will not always guard, for a man may be careful not openly to commit irregularities while he is secretly guilty of every sort of oppression. As long as the chief power in the district is in able hands, the good done by the inferiors in this system will far preponderate over the evil; and if the Collector be deficient, I am afraid that no distribution of powers would make up for his want of capacity, or do more than palliate or conceal the evils to which such a want would give rise.

The highest rank in the chain under Government should be a court, or an individual vested with a general control of all departments, who should be frequently in motion, and whose business should rather be to superintend the whole system than to administer any part of it, and to see that essentials were attended to rather than that rules were not violated. I would vest the fullest powers over the officers under them in the Collector, and in like manner it would be proper for Government to pay the utmost attention to the principal officers' recommendations, originating in the good or ill conduct of the Collectors. So general a charge, of course, requires great industry and abilities. It is to be hoped such may be obtained; and if they are not, I despair of supplying their place by any machinery that can possibly be invented.

I have introduced those remarks under the police, where they first occurred to me; but it is evident they apply equally to any other branch of the Government. I now return to the police.

The spirit of the people has been mentioned as of the first importance, and although that may be expected to flag under a foreign rule, and still more under a strong Government which protects all its subjects, and leaves no call for the exertion of their courage and energy in their own defence; yet there are instances in some parts of our old territories of our subjects retaining their military spirit after they have lost their habits of turbulence, and we may hope to accomplish the same object here. The first step towards its attainment is to remove all obstructions to the use of arms. On our first conquest some restriction was necessary on persons travelling with arms, but that has since been relaxed and ought to be done away. Besides the advantage of arming the people for purposes of police, it would be useful even in cases of war and insurrection, as the bulk of the people, even if disaffected, would be led, for the sake of their property, to employ their arms against our predatory enemies rather than against us. On the same principles, villages should be encouraged to keep up their walls, and perhaps allowed some remission to enable them to repair them.

It is important to the police that sudden discharges of Sebundies should for a long time be avoided, and the greatest encouragement given to the plan which I have mentioned elsewhere of settling that class on waste or other lands, as a sort of local militia. It is to be considered that the Mahrattas, besides losing what service they had under Bajee Rao, are now in a great measure shut up from those colonies in Hindoostan that afforded such a vent for the superfluous military population. Holkar's and the Bosla's armies are now nearly annihilated, and it is much to be feared that Scindia's will diminish.

Some rules are required regarding the receipts and sale of stolen or plundered property, regarding which the native practice was weak and irregular.

Management of the Bheels and other Predatory Tribes.

I insert in this place some remarks on the management of the hill tribes, which though at present it belongs to police, might easily be raised by a wrong system to importance in a political view. The plan which has been found most effectual in the old province, especially in the Bhaugulpore hills and in the jungle mehauls of Midnapore, is to govern this people through their native chiefs, whose assistance is rewarded by the support of Government, and in some cases by pecuniary allowances. This plan has been kept up here as it had been by the Peishwa, after an unavailing attempt to manage the Bheels by force alone. It is the only one practicable, until the gradual effects of civilization

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tion shall have undermined the power of the chiefs, at the same time that it removes the necessity for their control over the people. The principal chiefs are at present allowed pensions, and a certain number of Bheels of their selection are also paid by the Government. These measures at once fix them in the interest of Government and secure their influence in their tribe. It is, however, necessary to guard against the abuses of this system; which are, the chiefs harbouring thieves, or conniving at robbers, and their acquiring such an influence as may tempt them to oppose the measures of Government. The first evil will be provided against, by exacting strict responsibility from the chief, and fining, or otherwise punishing him, if frequent offences take place within his jurisdiction. Whether the punishment should be imprisonment or removal of the same family, must depend on the notions of the Bheels, which ought to be investigated not only for this purpose, but to prepare us for questions of disputed succession to chiefships, that we may not destroy the power of this engine of Government, by running counter to the opinion of the people whom it is to sway; for the other object it is necessary to grant no increase, either in extent of land or in authority to any chief, without its being clearly necessary for repressing disorder, which necessity is not likely to be felt. The Bheels may also be gradually encouraged to settle in the plains, either as cultivators or as watchmen to villages, a change which would weaken the power of the chiefs by lessening the number of their retainers. In the meantime it will be requisite to ascertain, with as much precision as the case admits of, the powers which the Bheel chiefs were in the habit of exercising under the old Government. This inquiry is indeed necessary, to prevent an inexperienced Magistrate from interfering unintentionally with the privileges of those chiefs.

Present System of Police.

The only innovations yet introduced by us into the form of the Mahratta police, are our closer superintendence, and the prohibition of the indefinite confinement of suspected persons by the Potails and Mamlutdars; but there must be a great difference in the spirit of our administration, and perhaps bad effects may be felt from it, when the great awe with which we are now regarded is worn off, and when our principles come to be better understood. Though the natives put up with petty disorders, they checked great ones with a rough hand, and gave themselves no concern about the attendant evils; if robberies were committed, they seized all the suspicious characters in the neighbourhood, and if they succeeded in restoring quiet, they did not care though a hundred Ramoossees suffered imprisonment and torture without a fault. Such a course would not be thought of under our Government; but we must consider how much our abstaining from such tyranny must weaken us, and must provide a remedy in some more tolerable shape.

Present System of Criminal Justice.

I am afraid that remedy is not to be found in our administration of criminal justice, which is next to be examined. This differs greatly from the Mahratta practice. The power of punishing is taken from the Potail, and that which is left to the Mamlutdar is limited to a fine of two rupees, and confinement for twenty-four hours. The powers of the Collector are not less than those of a Sirsoobadar, except in the article of inflicting capital punishment: but his manner of exercising his power is altogether different. According to our practice, a prisoner is formally and publicly brought to trial; he is asked whether he is guilty: if he admits it, pains are taken to ascertain that his confession is voluntary; if he denies it, witnesses are called on without further inquiry. They are examined in the presence of the prisoner, who is allowed to cross-examine them, and to call witnesses in his own defence. If there is any doubt when the trial is concluded, he is acquitted; if he is clearly guilty, the Shastery is called on to declare the Hindoo law. It often happens that this law is unreasonable: and when the error is on the side of severity it is modified; when on the side of lenity it is acquiesced in. The law-officers are always present at those trials. In Candeish a regular jury is generally assembled, who question the witnesses and pronounce on the guilt of the accused. In Sattara the Political Agent calls in several respectable persons besides the law-officers, and benefits by their opinion, both in the conduct of the trial and in determining the verdict. When the trial is concluded, and the sentence

sentence passed in cases of magnitude, it is reported for confirmation to the Commissioner, where the same leaning to the side of lenity is shewn as in the court itself.

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The punishments awarded by the Shastrees are as follow:—death, which is executed in cases of murder, and sometimes robbery accompanied with attempts to murder; mutilation, which is commuted into imprisonment with hard labour, and simple imprisonment, which is carried into effect. Women are never put to death, nor Brahmins, except in cases of treason, where, from the nature of our conquest, it was thought necessary to hold out the severest punishment even to Brahmins.

When the guilt of the accused is not proved, very great caution has been enjoined in imprisoning him on suspicion; it has indeed been recommended that no persons should be so imprisoned unless notorious leaders of banditti; and when any person does happen to be imprisoned for want of security, the period at which he is to be released is directed to be fixed. These rules are suggested by the injustice of subjecting a man to a greater punishment when his guilt is not proved than would be inflicted if it were, and by the apprehension that the Magistrate would be apt to order perpetual imprisonment in this form without much reflection, because it appears to be only temporary and conditional restraint.

Its Defects.

The whole of this system is evidently better calculated for protecting the innocent from punishment and the guilty from undue severity than for securing the community by deterring from crimes. In the certainty and efficacy of punishment it has the same inferiority to the native system that the police has in detecting and seizing offenders. The natives seized men on slight suspicions, gave way to presumptions of guilt, forced confession by torture, and inflicted punishment which, although they were inhuman (or rather because they were inhuman), were effectual in striking terror. Our Government demurs about proofs, discourages, and almost rejects confession, and never punishes while there is a possibility of the innocence of the accused. When it does punish, in its anxiety to prevent its inflictions from being revolting to humanity it prevents their being terrible to offenders. Even death is divested as much as possible of its horrors: no torments, no lengthened exposure, no effusion of blood or laceration of members, even after life is extinguished; some of these are properly rejected as detestable in themselves, others that would strike the imagination of the people are set aside, because they also strike the imagination of the legislator. Imprisonment with hard labour is our great resource next to death, and this is by no means calculated to overawe offenders. Our imprisonment is so carefully divested of all circumstances of terror, that there is nothing except the fetters that is likely to make the least impression on a native. To an European confinement is irksome, solitary confinement intolerable. Bread and water, or bad fare, bad lodging, public exposure, all are real evils to him; but a native neither loses in point of food or lodging, and shame I should think had less effect on him. In fact, by several of the reports from the districts (especially by Mr. Chaplin's answer to my queries), it appears that the imprisonment ordered by our officers is far from being looked on with dread; and that they think, that with the regular subsistence and comfortable blanket they get in gaol they are better off than they would be in their own villages. There are even instances (one at Sattara and one in Poona) of people committing petty offences to procure the maintenance allowed to prisoners. Imprisonment, especially when accompanied with labour, must, however, be a state of suffering to any man; separation from family and friends must also be an aggravation; and, on the whole, it would be absurd to contend that imprisonment is no real hardship to a native. The worst of it is, that it is a hardship to the sufferer without seeming one to the spectators; and if, as I fancy is the case on the present footing, it is at least as ineffectual for reformation as for example, it unites all the bad qualities that can be combined in a punishment. If to make up for our defects in correcting offenders and in punishing them when convicted, we have recourse to imprisonment also, explaining that in this case it is not meant as a punishment, we complete the destruction of its use for example. In short, it may be questioned whether our

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system does not occasion as much suffering as the native one; but it is spread over a greater surface, and therefore makes less shew, and neither shocks the legislator nor alarms the criminal.

Improvements suggested.

These evils have often been remarked before: it is easier to point them out than to suggest a remedy, and greater experience might perhaps only shew more clearly the difficulties to be overcome. It is possible that a very civilized government may not be suited to a society on a less advanced stage, and that coarse expedients, at which our minds revolt, may be the only ones likely to check those evils which originate in the barbarism of the people. I shall, however, notice a few points from the consideration of which some profit may be gained.

Too much care cannot be taken to prevent forced confessions, that is, confessions extorted by fear or torture; but there ought to be no scruple in getting at the truth by cross-examinations of the accused: an innocent man cannot criminate himself, and it is well that a guilty man should do so.

The Magistrate ought to have the assistance of some intelligent natives of his own choosing at the trial: their knowledge of the people would often lead to discoveries of the truth that might escape an European; but it is better that the conduct of his trial and the decision should rest with the Magistrate. The Punchayets in Candeish have answered better than might have been expected; but Captain Briggs has pointed out many inconveniences in that mode of trial, and it is obvious that when a Brahmin on one hand, or a Bheel on the other, was to be tried, it would be too much to expect unprejudiced decision. The Shastree ought still to attend and to be consulted, but we ought not to be guided by the Hindoo law, which is a new introduction of our own. The customary punishments for the most usual offences might be ascertained and modified; thus highway robbery and gang robbery (which the natives always punished with death) might be changed into perpetual imprisonment, unless attended with wounding or attempt to murder. The Hindoo punishment might also be exchanged for such as we can execute, and thus when we did succeed in convicting an offender, there would be no longer a chance of his escaping by the absurdity of the sentence. Some of the Hindoo punishments are too dreadful to be inflicted, others are too trifling to be of any use in deterring. The Hindoo law officer at Ahmednuggur sentenced one man to be thrown from a height upon a spike, and another to be fined six fanams for the same offence, because in one case the stolen property had been accidentally recovered, and in the other it had not. Caste, also, had great weight in determining the punishment; and this ought, to a certain extent, to be attended to still, because an opposite conduct shocks the prejudices of the people, which unless we conciliate, all our justest sentences will be looked on as tyranny: our punishments, I should think, might be made more intense but shorter; severe flogging, solitary confinement in dungeons for short periods, bad fare, severe labour and similar punishments, always so guarded as to prevent their endangering life or health. Transportation seems a good punishment, provided it be for life; but the return of a convict destroys the mysterious horror which would otherwise be excited by the sentence. Hanging in chains will probably make a great impression, if not too shocking to the prejudices of the natives, which I apprehend it is not. As much form as possible should be thrown into all punishments, especially capital ones, and great care should be taken to suit the forms to the native ideas. They have themselves an excellent practice of exposing persons about to suffer death, on a camel, stripped of some of their clothes, with their hair loose and covered with red powder and with flowers, as is usual with a corps when carried to the funeral pile. Some of the most terrible modes of capital punishment might be retained when they do not add to the suffering of the criminal; beheading and blowing away from a gun are of this nature, but they ought to be reserved for great crimes. The opinions of natives ought however to be taken, and may be reckoned conclusive on subjects depending on feeling and on associations. In cases where the Judge, though not satisfied of the guilt of the prisoner, is still less satisfied of his innocence, it seems imprudent to turn him loose to prey on society, and yet it is difficult to say on what grounds to detain him. Are we to award a less severe

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severe and more remediable punishment; or are we to declare the prisoner innocent, but imprison him if he cannot give security? The former seems to strike at the foundations of justice, and the latter destroys the force of example. Means might perhaps be found to manage the imprisonment of suspected persons in such a manner as to preserve the distinction between their treatment and that of convicts. Their place of confinement might be more like a workhouse than a prison. They might be taught trades and allowed the fruit of their own industry, either in clothes and food, at the time, or in a sum of money to be given at their release. Mr. Bruce, the Judge of Bellary, has long since introduced the manufacture of blankets and some other articles into his jail, and all the paper used in the neighbouring Cutcherries is the work of his convicts. A place might be constructed for their residence which might combine the plan so much recommended by Mr. Bentham with the economical arrangement suggested in Bengal. A circular or octagon wall with an open arcade or tiled veranda to run all round inside, deep enough to afford shelter, and deep enough for concealment: this veranda to be partitioned off into cells with walls, and to be shut in with an iron grating or a deep ditch in front, to prevent the prisoners meeting in the open space in the middle. Each cell might contain from two to eight prisoners, who would thus be cut off from the corruption that is always found in crowded prisons, and a wall across the middle of the court might make a still more complete division, so as to admit the convicts, if necessary, into the same enclosure. In the centre should be a circular building for the jailor from which he might see into every cell in both courts, while he himself was concealed by blinds. Frequent visits from the European authorities would be sufficient to complete the supervision. Persons less suspected might be consigned to the care and responsibility of the Potails of their villages, on the plan practiced by Mr. Bayley at Burdwan; and there are cases where wandering and thievish tribes might be seized and compelled on pain of imprisonment to reside in particular villages, according to the plan recommended by General Munro in his Letter on the Police of the Ceded District.

It is to be observed in respect to the confinement of suspected persons, that the practice is much less objectionable towards particular castes than others. Some avow that they were born and bred robbers, and that it was the intention of Providence that they should remain so. Surely society is entitled to take measures against men who set out with so open a declaration.

These are all the suggestions that occur to me; except that the powers of the Mamlutdars should be augmented to allow his punishing petty affrays, which ought never to go beyond the pergunnah, and that the Potail should be permitted to exercise a similar authority to the very limited extent that is requisite to keep up his influence in his village.

Moral Character of the People.

I may here say something of the moral character of the people. Falsehood in all shapes pervades all ranks, and adultery and prostitution are common in the upper classes, but in them alone. Drunkenness, the peculiar vice of the lower orders, is almost unknown in the Mahratta country, which has thence a decided superiority in morals over the old provinces. It arises from the discouragement to the sale of spirituous liquors, and as the revenue from that source is insignificant, we should probably do well to prohibit it altogether. Public opinion, and above all the opinion of the caste and the dread of expulsion, are the restraint on vices. These powers are, in the Mahratta country, in the hands of the whole caste. In the Carnatic there are regular censors to each caste called Gunnacharies, besides religious Goorcoos, invested with great power; but these institutions are converted into the means of gain, and the morals of the people are there decidedly worse than in the Mahratta country. The other vices are not more rare, and drunkenness is common in addition.

Improvements recommended in Education.

I do not perceive any thing that we can do to improve the morals of the people, except by improving their education. There are already schools in all towns and in many villages, but reading is confined to Brahmins, Banyans, and such of the agricultural classes as have to do with accounts. I am not sure that

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that our establishing free schools would alter this state of things, and it might create a suspicion of some concealed design on our part. It would be more practicable and more useful to give a direction to the reading of those who do learn, of which the press affords so easily the means.

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Books are scarce, and the common ones probably ill chosen, but there exist in the Hindoo languages many tales and fables that would be generally read, and that would circulate sound morals. There must be religious books tending more directly to the same end. If many of these were printed and distributed cheaply or gratuitously, the effect would, without doubt, be great and beneficial. It would, however, be indispensable that they should be purely Hindoo. We might silently omit all precepts of questionable morality, but the slightest infusion of religious controversy would secure the failure of the design. It would be better to call the prejudices of the Hindoo to our aid in reforming them, and to control their vices by the ties of religion, which are stronger than those of law. By maintaining and purifying their present tenets, at the same time that we enlighten their understandings, we shall bring them nearer to that standard of perfection at which all concur in desiring that they should arrive; while any attack on their faith, if successful, might be expected in theory, as is found in practice, to shake their reverence for all religion, and to set them free from those useful restraints which even a superstitious doctrine imposes on the passions.

In my letter No. 78 I proposed that 2,00,000 rupees should be set aside for religious expenses, including two colleges. The large religious expenses that fall on the net revenue in the districts induces me to alter this suggestion, and to propose modifying an expenditure which is already directed to an object of this nature, in such a manner as to render it more useful. There was in the Peishwa's time an annual distribution of charity, called the dhukna, which used to cost five lacs of rupees. The plan was originally to give prizes to learned Brahmins; but as a handsome sum was given to every claimant, however ignorant, to pay his expenses, the institution degenerated into a mere giving of alms. The abolition of this was extremely unpopular, but the sum was too enormous to waste, I therefore did it away all but the original distribution of prizes, which cost last year 50,000 rupees. This expenditure must still be kept up, but most of the prizes, instead of being conferred on proficients in Hindoo divinity, might be allotted to those most skilled in more useful branches of learning, law, mathematics, &c., and a certain number of professors might be appointed to teach those sciences. These means, with the circulation of a few well chosen books, such as I believe are now printed at Calcutta, would have a better and more extensive effect than a regular college, and would cost much less to the government: I shall, therefore, avail myself of the permission formerly given to me, and put such an establishment in train.

Civil Justice.—Mahratta System.

It is necessary to examine the native system of civil justice with attention, and ascertain its success in affording protection to men's rights. If this should prove even moderate it will scarcely be thought advisable to attempt any alterations; but if the plan be found inadequate to the end required, it will be necessary to see whether any alterations can be introduced to render it more efficient without changing its fundamental principles, or whether it is necessary to set it aside altogether, and to introduce a new system in its room.

By whom administered.

The authorities by whom civil justice was administered were the following: In the country the Potail, over him the Mamlutdar and Sirsoobadar, and above all the Peishwa or his minister. Jagheerdars administered justice in their own land; the great ones with little or no interference on the part of the Government. In some towns there was a judicial officer, called the Nyaeedaish, who tried causes under the Peishwa's authority; and any person whom the Peishwa pleased to authorize might conduct an investigation, subject to his Highness's confirmation.

If a complaint was made to a Potail, he would send for the person complained of, and if he admitted the debt, would interfere partly as a friend to settle the mode and time of payment. If the debt were disputed, and he and his

his Koolkurnee could not, by their own influence or sagacity, effect a settlement to the satisfaction of both parties, the Potail assembled a punchayet of inhabitants of the village, who inquired into the matter with very little form, and decided as they thought best; but this decision could not take place without the previous consent of the parties.

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If the complainant were refused a punchayet, or disapproved of the decision, or if he thought proper not to apply to the Potail, he went to the Mamlutdar, who proceeded nearly in the same manner as the Potail; with this addition, that he could compel the party complained of to submit to a punchayet, or else make satisfaction to the complainant. When there was a Sirsoobadar, the same process might be repeated with him, or at court, but in all this there was no regular appeal. The superior authority would not revise the decision of the inferior, unless there had been some gross injustice, or reason to suspect corruption; in cases of less purity, that is in almost all cases, the superior was influenced in receiving the appeal, by the consideration of the profit promised as a compensation for the trouble.

Though the Government officer endeavoured himself to settle the dispute, and though it rested with him to decide whether or not the case required a punchayet, yet it was reckoned gross injustice to refuse one on a question at all doubtful, and it was always reckoned a sufficient ground for ordering a new investigation when there had been no punchayet.

Punchayet.

The punchayet may therefore be considered as the great instrument in the administration of justice, and it is of consequence to determine how the assembly was constituted, what were its powers, and what its method of proceeding, and enforcing, or procuring the enforcement of its decrees.

The members of a punchayet were generally selected by the officer of Government, by whom it was granted, with the approbation of the parties, and often at their suggestion; sometimes the parties chose an equal number each, and the officer named an umpire. A person on the part of Government not unfrequently presided at punchayets, especially at Poona, and directed their operations: this officer must, however, be objectionable to the parties. In affairs where Government was concerned, it ordered some of its own officers to investigate the matter, but they were expected to be people not objected to by the other party. The members were people of the same situation in life as the parties, or people likely to understand the subject of discussion: as bankers in a matter of account; Daismooks and Daispandees, when the suit was about land. Their number was never less than five, but it has been known to be as great as fifty. The number was required to be odd. It generally met at the house of the officer who summoned it.

In villages, the Potail got some of the most intelligent and impartial Ryots to sit under a tree, or in the temple or choultry: nobody attended on the part of the Government; and as the submission of the parties was voluntary, their wishes were, of course, more attended to than elsewhere. The consent of the members, however, was every way reckoned essential to a punchayet, and the first act of the meeting was to take a razeenamah, or acknowledgment, of such a consent. Security was also not unfrequently taken for the parties complying with the award of the punchayet. In petty disputes in villages, the parties gave two straws in token of submission, instead of a written razeenamah.

It might be expected that so burdensome a duty would not be willingly undertaken, especially as there was no authorized fee to be gained by it; but, besides the compliment of being selected by the parties, there was the hope of presents from one or both, which it was not disgraceful to take, unless to promote injustice. The parties likewise entreated the persons they wished to accept the office, and the officer of Government added his authority. It was, moreover, reckoned disgracefully selfish to refuse to serve on a punchayet, and as the man who was asked to be a member to-day might be a suitor to-morrow, he was obliged to afford the assistance which he was likely to require. It was rare, therefore, for people to refuse to serve unless they had a good excuse.

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It was more difficult to procure their regular attendance when appointed, and this was generally effected by the entreaties of the party interested. The Magistrate also sent Peons and injunctions to compel the presence of a person who had once agreed to become a member, and although he would receive a reasonable excuse, yet if he were really anxious for the speedy decision of the cause, he seldom failed in procuring attendance; besides, there was no precision about the number of members required to attend, as long as the parties were satisfied all was thought to be regular enough. When an absent member returned, the past proceedings could be explained to him, and any further inquiry he desired carried on.

When the punchayet was assembled, if the defendant failed to attend, the punchayet applied to the officer under whose authority it sat to summon him, unless a Carcoon or a Peon had already been attached to it to perform such duties on the part of the Government, or the plaintiff, by constant demands and other modes of importunity, wearied him into a submission. When the officer of Government had to compel his attendance, he sent a summons, or if that failed, placed a Peon over him, whom he was obliged to maintain, and imposed a fine of a certain sum a day till he appeared. The plaintiff's complaint was then read, and the defendan'ts answer received; a replication and a rejoinder was sometimes added, and the parties were cross questioned by the punchayet as long as they thought it necessary. At that time the parties were kept at a distance from their friends, but afterwards they might assist them as much as they chose. A man might, if it were inconvenient for him to attend, send a Carcoon in his service, or a relation; but the trade of a Vakeel is not known. Accounts, and other written evidence, were called for after the examination of the parties, and likewise oral evidence, when written failed; but a great preference was given to the evidence of written documents. The witnesses seem to have been examined and cross-examined with great care, but the substance only of their evidence was taken down briefly without the questions, and generally in their own hand, if they could write. The natives have not the same deference for testimony that we have; they allow a witness no more credit than his situation and character and connexion with the case entitle him to, they also lay great stress on his manner and appearance while giving his testimony. Oaths were seldom imposed unless there were reason to suspect the veracity of the witness, and then great pains were taken to make them solemn.

When this examination was concluded, the punchayet, after debating on the case, drew up an award (which was termed sarounsh or summary), in which they gave the substance of the complaint and answer, an abstract of each of the documents presented on either side, a summary of the oral evidence on either side, with their own decision on the whole. A copy of the award was given to the successful party, and to the loser, if he required it; another copy was deposited with the officer of Government. In villages there was much less form; the punchayet was often conducted in the way of conversation, and nothing was written but the decision, and sometimes not even that. In important cases, however, all the usual writing was performed by the Koolkurnee.

Throughout the whole proceedings, the punchayets appear to have been guided by their own notions of justice, founded, no doubt, on the Hindoo law, and modified by the custom of the country. They consulted no books, and it was only on particular points immediately connected with the Hindoo law, such as marriage or succession, that they referred to a Shastree for his opinion.

On the report of the punchayet the officer of Government proceeded to confirm and enforce its decree, the punchayet having no executive power of its own. From this cause frequent references to the Magistrate were required, and he was given a considerable influence on the progress of the trial.

If either party objected at this stage, and shewed good reasons why the award should be set aside, the officer under whose authority it sat might require it to revise its sentence, or even grant a new punchayet; but this was not reckoned proper unless corruption were strongly suspected.

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No other notice was taken of corruption, unless in such cases the decision of a punchayet was always respected, as the proverbial expression of *punch prumaishur* (a punchayet is God Almighty) fully testifies.

Even after an award was confirmed, an appeal lay to a higher authority, and a new punchayet might be granted; even a new Mamlutdar might revise the proceedings under his predecessor. This was probably a stretch of power, but every thing under the Mahrattas was so irregular and arbitrary that the limits of just authority can with difficulty be traced.

In enforcing the decision, much of course depended on the power of the Magistrate. If a Potail found the party who gained the cause could not recover his due by the modes of private compulsion hereafter described, he applied to the Mamlutdar to interpose his authority; and in cases where that was insufficient, the Mamlutdar applied to the Government.

It was in this manner that ordinary disputes were settled. Those about boundaries, which are extremely frequent (except in Candeish), were settled by a punchayet composed of Daismooks, Daispandies, Potails, and Koolkurnees, assisted by the Mhows of the disputing villages, who are the established guardians of land-marks and boundaries. They are also very frequently adjusted by ordeal, one mode of which is, for the Potail to walk along the disputed boundary, bearing on his head a clod composed of the soil of both villages kneaded up with various strange ingredients, and consecrated by many superstitious ceremonies; if it hold together, the justice of his claims is established, and if it break, he loses his cause. Many other sorts of ordeal are also performed with boiling oil, or by taking an oath and imprecating certain curses, if it should be false. If no evil occur within a fixed time, the Gods are conceived to have decided in the swearer's favour.

These ordeals were not uncommon in all cases as well as in boundary disputes, but chiefly when other means of ascertaining the truth had failed.

Disputes about caste were settled by the caste, unless when a complaint of unjust expulsion took place, when the Government ordered a punchayet of respectable persons of the caste from an unprejudiced part of the country.

Punchayets how assembled, and their Decisions how enforced.

As it has been shewn that punchayets had no powers of their own, and were moreover somewhat inert, it is necessary to examine the machinery by which they were kept in motion, and their resolutions carried into effect. It has been observed that in the country the Mamlutdars, and the Potails under their authority, peformed that duty. In some few towns there also were officers of justice called Nyaeedaish. The proceedings of all these officers were, of course, very irregular; but the model may be learned by observing the proceedings of the Nyaeedaish at Poona, during the long period when Ram Shastree was at the head of that court, and when Nana Furnavees was minister and regent; this was confessedly the period when the Mahratta Government was in the highest perfection, and Ram Shastree is to this day celebrated for his talents and integrity. A full account of that court is given by Mr. Lumsden, in his report of January 24th, from which much of what follows is extracted. Ram Shastree had several deputies, two of whom were almost as famous as himself, and it was by their assistance chiefly that his business was conducted.

On receiving a complaint, a Peon or a Carcoon from Ram Shastree, or from Nana Furnavees, according to the consequence of the person, was sent to summon, or to invite him to attend at Ram Shastree's. If this was refused positive orders were repeated by Nana Furnavees, and in the event of obstinate non-attendance the house or lands of the defendant would be sequestrated till he appeared.

In case of non-appearance from absence, trial, after many indulgent delays, went on, and the absence of the party was recorded, that he might have a new trial on his return if he accounted for his absence; in cases of land no decision was final in a man's absence. Evidence was summoned in the same form as the defendant, and if the witness were poor the person who summoned him paid his expenses. If the witness lived at a distance, or if attendance were

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were inconvenient, a deputation from the court with some person from the parties was sent to take his evidence, and the Mamlutdar gave his aid to the process; or, if the witness lived very far off, a letter was written requesting him to state the facts required. When the witness was a man of rank a deputation would be sent to him from the Government, accompanied by parties who went as supplicants for his aid, rather than as checks on his misstatement, and he was solicited to relate what he knew, which was repeated in the court. Even if the witness were not of such rank as to prevent his coming to the court, still if he were a man of any consequence he was received as a visitor, and the questions were put to him in the way of conversation, and with all the usual forms of civility.

When persons of this character were the defendants, instead of summoning them to the Nyacedaish a letter was written by Nana Furnavees, desiring them to settle the complaint. If this did not succeed the Vakeel was spoken to, and ultimately they experienced the displeasure of Government, or a part their land was made over to the creditor. Generally, however, great favour was shewn to men of rank. If the plaintiff was also a man of rank, a punchayet of men of the same condition would be appointed, if all other means failed. One of the enclosed translations, No. 19,* is an award in a case where the ancestors of Jaun Rao Nunbalker, a Jagheerdar of the highest rank, were the parties.

The proceedings were much the same as those I have already mentioned to have been practised in the districts, but more was done in writing than elsewhere. To give a clear idea of the manner in which punchayets proceeded, I have the honour to enclose the award of one conducted under the superintendence of Ram Shastree (No. 20*), and a decision in a simple case of the present day (No. 21*).

The punchayets were more frequently named by the parties than the Judge, but Ram Shastree and his deputies seem frequently to have presided at the trial, the punchayet performing nearly the same functions as a jury in England. A good deal of the investigation seems to have been intrusted to Ram Shastree's Carcoons, who reported to him and the punchayet, and in the decree the names of the members of the punchayet are not mentioned, even when it is merely a repetition of their award. The decision was always in the Peishwa's name, and in all cases of magnitude required his signature; all cases relating to land were of this description, and the same holds all over the country where claims to land are considered more immediately under the superintendence of Government. It was not unusual in the country as well as in Poona, for a Government officer to receive the complaint and answer with the documents and the written evidence of witnesses, and lay the whole in this shape before the punchayet, who could call for more evidence if they required it. Much time must have been saved by this arrangement; but it gave the officer of Government considerable opportunities of imposing on the punchayet. The members of the punchayet received no fee, but when they had much trouble the winner of the suit made them openly a present for their pains.

A sum of money was likewise levied for the Government from the winner, under the name of kerkee, which I believe means congratulatory offering, and from the loser under the name of gonagharry, or fine. These gonagharries varied with the means of litigants, but in revenue accounts, I observe, that one-fourth of the property is always put down as the price paid for justice by the plaintiff when he wins his cause.

The plaintiff losing his cause was obliged to pay the expenses of the defendant, if the latter were poor.

No regular monthly or other returns of causes decided were made out.

When a cause was decided against the defendant the court settled the mode of payment with reference to his circumstances, either ordering immediate payment or directing payment by instalments, or granting the debtor, if entirely destitute of the means of payment, an exemption from the demands of his creditor for a certain number of years.

When

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When a matter had once come to a trial, it was always expected that Government should enforce the decision; but with the irregularity so characteristic of the Mahrattas, the plaintiff was often permitted to enforce them himself: and this was effected by means of the system called tukkaza, which though it strictly means only dunning, is here employed for every thing, from simple importunity up to placing a guard over a man, preventing his eating, tying him neck and heels, or making him stand on one leg with a heavy stone on his head under a vertical sun.

It is remarkable that in all claims (except for land) when the plaintiff has the power, this tukkaza is the first step in the suit, and it is not until the person who suffers by it complains of excessive or unjust tukkaza that the Government takes any concern in the cause. This in some measure accounts for the ready acquiescence of defendants in the nomination of punchayets, &c., and it is, indeed, employed intentionally as a means of accomplishing that end. When Government enforced the debt, it used nearly the same severities as individuals; it also seized and sold the property of the debtor, but generally spared his house, and took care not to reduce him entirely to ruin. It likewise often fixed instalments, by which his debt was gradually to be liquidated.

People were never put in any public prison for private debt, though sometimes confined or tormented by the creditor at his house, or in that of his patron, and in rare cases when agreed on in the bond, made to serve him till the amount of their nominal wages equalled the debt.

Fair bankrupts seem to have been let off pretty nearly as with us; fraudulent ones were made to pay when discovered notwithstanding previous release.

The great subjects of litigation are stated in the replies of the local officers to my queries to be, boundary disputes; division of property in the separation of families; inheritance to land, which is perhaps the greatest source of litigation throughout the whole country, even in Candeish, where waste land is so abundant. Debts to bankers are also frequent subjects for suits.

Defects and Abuses of the System.

The Judicial system that has just been described is evidently liable to great objection, and accordingly in the best of times its success seems to have been very imperfect. There was no regular administration of justice; no certain means of filing a suit, and no fixed rules of proceeding after it had been filed. It vested the officer of Government applied to, to receive a complaint or to neglect it altogether. The reception of an appeal from his injustice equally depended on the arbitrary will of his superior. The other occupations of these officers rendered it difficult for them to attend to judicial affairs, even if well disposed, and these occupations increasing with the rank of the officer, the Peishwa (or the minister), who was the main spring of the whole machine, must have been nearly inaccessible to all men, and entirely so to the poor. The power of the local officer must also have had a tendency to check appeals, and even to restrain the demand for punchayets, in cases where he was desirous of deciding in person, and this desire would chiefly be felt in cases where he had an inclination to befriend one party, or where he hoped to make something by selling his favour to both. In short, there can be little doubt of the difficulty of getting justice unless by means of bribery or of powerful friends.

The punchayets themselves were open to corruption and to partiality, and when free from those stains, they were still slow and feeble in their motions and uncertain in their resolutions. When the punchayet was assembled, which from its interference with the pursuits and interests of the members must have been a matter of difficult and rare occurrence, it had not sufficient powers to seize the defendant, to summon the witnesses, or to compel the production of documents; in the event of any opposition it must apply to the officer of Government, and thus, besides unavoidable delay, it was exposed to constant obstruction from his indolence and want of leisure, and even from his corruption. If a deputy of the Government officer sat with it to execute those duties, it was still liable to be obstructed from corruption, and was besides exposed to the influence of the Carcoon who presided. When it had got possession of the evidence, the members were not calculated to decide on nice or intricate

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intricate causes, and if they were perplexed, they met without coming to a decision, or allowed the matter to lie over until some circumstance prevented the necessity of meeting any more. Very great delay took place from these causes, and trials were often left entirely unfinished. When members were chosen by the parties and interested in their cause, they were rather advocates than judges, and their disputes produced as much delay as the neglect of the others. When they were impartial they were indifferent and irresolute, unless some member, and very likely one who was stimulated into activity by a bribe, took the trouble of deciding off the hands of his colleagues, and procured their consent to a decision of his own. When their award was signed, the punchayet dissolved, and their decree remained with the local officer to enforce or neglect, as he chose. Where so much was left arbitrary, there was, of course, much corruption, and it is very frequent now to have a complaint from a man who has a decision of old standing, (even from the Nyaeedaish at Poona) which he has not been able to get enforced. Even when the decree of a punchayet was past and executed, one would think it must, from the way in which the assembly was constituted, have had little good effect beyond the case it had tried; for as there were no written law, and as punchayets were composed of men of different habits and condition, their awards must be supposed to have varied, so as to afford no great certainty beforehand as to the decision to which any punchayet would come, and this uncertainty must have led unceasingly to new litigation. All accounts, it must be owned, agree in representing the knowledge of the common people in the customary law of their country, and consequently the uniformity of their decisions when formed into punchayets is far beyond what could be expected; but the inconvenience alluded to must still, to a certain extent, have existed. The want of principle in the rulers was an other cause of uncertainty and litigation. No decision was final; a new Mamlutdar or a new minister might take up a cause his predecessor had decided; the same man might revise his own decisions from corrupt motives, and there was as much difficulty in being exempt from an unjust revision as it has already been shewn there was in obtaining a just one.

If this was the state of things under Nana Furnavees, it was doubtless worse under Bajee Rao. The farming system made over each district to the highest bidder, who was generally the most unprincipled man about the court, and as full support was requisite to enable him to pay his revenue, it consigned the people to his oppressions without a remedy. The farmer's whole time and thoughts were occupied in realizing his revenues. Justice was openly sold; and except as a marketable commodity it was never thought of. The party in the wrong could always by a bribe prevent his cause going to a punchayet, or overturn the decision of one. An appeal lay from the under farmer to the upper, whose income depended on the exactions of the authorities below him, and from him to the minister, who never received a complaint without a present, or to the Peishwa, who never received one at all.* In consequence, the Government afforded little justice to the rich and none to the poor.

Corrections of these Defects and Abuses.

But with all these defects the Mahratta country flourished, and the people seem to have been exempt from some of the evils which exist under our more perfect government; there must, therefore, have been some advantages in the system to counterbalance its obvious defects, and most of them appear to me to have originated in one fact, that the Government, although it did little to obtain justice for the people, left them the means of procuring it for themselves. The advantage of this was particularly felt among the lower orders, who were most out of reach of their rulers, and most apt to be neglected under all governments. By means of the punchayet they were enabled to effect a tolerable dispensation of justice among themselves, and it happens that most of the objections above stated to that institution do not apply in their case.

A Potail was restrained from exercising oppression both by the fear of the Mamlutdar and by the inconvenience of offending the society in which he lived, and when both parties were disposed to a punchayet, he had no interest in refusing his assistance to assemble one. A punchayet can scarcely be perplexed in the simple causes that arise under its own eyes, nor can it easily give a corrupt decision when all the neighbourhood know the merits of the case.

Defendants

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Defendants, witnesses, and members are all within the narrow compass of a village, and where all are kept from earning their daily bread during the discussion, there is not likely to be much needless complaint or affected delay.

This branch of the native system, therefore, is excellent for the settlement of the disputes of the Ryots among themselves, but it is of no use in protecting them from the oppression of their superiors, and it is evident that the plan of leaving the people to themselves could never have been sufficient for that purpose. But here another principle came into operation: the whole of the Government revenue being derived from the Ryot, it was the obvious interest of Government and its agents to protect him, and prevent his being exposed to any exactions but their own. The exactions of Government were limited in good times by the conviction, that the best way to enrich itself was to spare the Ryots; and those of its agents, by the common interest of government and the Ryot, in restraining their depredations. By these principles, while the native Government was good, its Ryots were tolerably protected both from the injustice of their neighbours and tyranny of their superiors, and that class is the most numerous, most important, and most deserving portion of the community. (Sic. orig.)

It was in the class above this that the defects of the judicial system were most felt, and even there they had some advantages. As the great fault of Government was its inertness, people were at least secure from its over-activity. A Government officer might be induced by a bribe to harass an individual under colour of justice, but he could not be compelled by the mere filing a petition to involve those under his jurisdiction in all the vexations of a law-suit. Even when bribed he could not do much more than harras the individual; for the right to demand a punchayet was a bar to arbitrary decrees, and although he might reject or evade the demand, yet the frequent occurrence of a course so contrary to public opinion could not escape his superiors if at all inclined to do justice.

The inertness of Government was counteracted by various expedients which, though objectionable in themselves, supplied the place of better principles. These were private redress, patronage, and presents. The first occupies the same place in civil justice that private revenge does in criminal among still ruder nations. It is this which is called tukkaza by the Mahrattas, and which has already been mentioned as so important in bringing on a trial. If a man have a demand from his inferior or his equal, he places him under restraint, prevents his leaving his house or eating, and even compels him to set in the sun until he comes to some accommodation. If the debtor were a superior, the creditors had first recourse to supplications and appeals to the honour and sense of shame of the other party; he laid himself on his threshold, threw himself in his road, clamoured before his door, or he employed others to do all this for him; he would even sit down and fast before the debtor's door, during which time the other was compelled to fast also; or he would appeal to the Gods and invoke their curses upon the person by whom he was injured. It was a point of honour with the natives not to disturb the authors of these importunities as long as they were just, and some satisfaction was generally procured by means of them. If they were unjust, the party thus harassed naturally concurred with the plaintiff in the wish of a punchayet, and thus an object was obtained which might not have been gained from the indolence of the Magistrate. Similar means were employed to extort justice from the ruling power; standing before the residence of the great man, assailing him with clamour, holding up a torch before him by day-light, pouring water without ceasing on the statues of the Gods. These extreme measures when resorted to seldom failed to obtain a hearing even under Bajee Rao; and there was the still more powerful expedient both for recovering a debt or for obtaining justice, to get the whole caste, village, or trade to join in performing the above ceremonies until the demand of one of its members were satisfied.

The next means of obtaining justice was by patronage. If a poor man had a master or landlord, a great neighbour, or any great connexion; or if he had a relation who had a similar claim on a great man, he could interest him in his favour, and procure his friendly intercession with the debtor; his application to the friends of the latter; or, finally, his interest with the public authority to obtain

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obtain justice for his client. This principle was not so oppressive as it seems at first sight, or as it must have been if it had been partial; for it was so extended, that scarcely any man was without some guardian of his interests. Both sides in a cause were thus brought nearly equal, and the effect of the interference of their patrons was to stimulate the system, which might otherwise have stood still.

If this resource failed, a present, or the promise of a present, to the public authority, or those who had weight with him, would be efficacious: the fee of one-fourth of all property gained in law suits was in fact a standing bribe, to invite the assistance of the Magistrate.

The number of persons who could grant punchayets also expedited business. Besides the Nyaeedaish, and the numerous Mamlutdars and Jagheerdars, many people of consequence could hold punchayets, under the express or implied authority of the Peishwa, and every chief settled the disputes of his own retainers, whether among themselves or with others of the lower and middle classes. A great number of disputes were also settled by private arbitration; and their proceedings in the event of an appeal were treated by the Government with the same considerations as those of punchayets held under its own authority.

Thus some sort of justice was obtained; and it was less impure than might be expected from the sources by which it was supplied, because public opinion, and the authority of the Magistrates set bounds to tukkaza, and the institution of punchayets was a restraint on patronage and bribery.

The punchayet itself, although in all but village causes it had the defects before ascribed to it, possessed many advantages. Though each might be slow, the number that could sit at a time, even under the superintendence of one person, must have enabled them to decide many causes. The intimate acquaintance of the members with the subject in dispute, and in many cases with the characters of the parties, must have made their decisions frequently correct; and it was an advantage of incalculable value in that mode of trial that the judges, being drawn from the body of the people, could act on no principles that were not generally understood; a circumstance which, by preventing uncertainty and obscurity in the law, struck at the very root of litigation. The liability of punchayets to corruption was checked by the circumstance that it did not so frequently happen to one man to be a member as to make venality very profitable, while the parties and the members being of his own class, he was much exposed to detection and loss of character; accordingly, the punchayets appear, even after the corrupt reign of Bajee Rao, to have retained in a great degree the confidence of the people, and they do not appear to have been unworthy of their good opinion. All the answers to my queries (except those of the Collector of Ahmednuggur) give them a very favourable character; and Mr. Chaplin, in particular, is of opinion, that in most instances their statement of the evidence is succinct and clear, their reasoning on it solid and perspicuous, and their decision, in a plurality of cases, just and impartial.

Their grand defect was procrastination; and to counteract it the suitors had recourse to the same remedies as with people in power, importunity, intercession of patrons, and sometimes, no doubt, to promises, fees, and bribes.

General Result.

It is impossible to form very clear notions on the general result of this administration, either as to its dispatch of causes, the degree of justice actually administered by it, or its effect on the character of the people; but I should conjecture that simple causes were speedily decided, and complicated ones very slowly. The Nyaeedaish principally tried the latter description, and in twenty years it filed no less than 1,400 causes, of which it is believed that one-half were never decided. Punchayets appear generally to have given just decisions; but men in power could obstruct a reference to those assemblies, and could prevent the execution of their decrees. That justice was often denied, or injustice committed, appears from the frequency of thullee, which is a term for robbery, arson, and even murder, committed to oblige a village or Government officer, to satisfy the claims of the perpetrator. This crime is commonest

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to the southward of the Kistna, but murders on account of disputes about landed property are every where frequent. With regard to its effect on the character of the people, the Ryots seem in most respects simple and honest: but there is no regard for truth, or respect for an oath, throught the whole community; and forgery, intrigue, and deceit are carried to the highest pitch among the Potails, Koolkurnees, and all who have much opportunity of practising those iniquities. There is no punishment for perjury or forgery. In the annexed award of a punchayet, No. 2,* it appears that thirty-three persons entered into an engagement to swear to any thing that one of the parties might dictate, and for this complicated offence they were mildly reprimanded by the Nyaeedaish. Litigiousness does not seem to have been at all prevalent, unless the obstinacy with which people adhered to any claims to landed property can be brought under that head.

Comparison of the Advantages of the Native Plan with those of the Adawlut.

Such are the advantages and disadvantages of the native administration of justice which are to be weighed against those of the plan adopted in our provinces. If we were obliged to take them as they stood under the Native Government, the scale could probably soon be turned; but as it is possible to invigorate the system and to remove its worst abuses, the question is not so easily decided. The most striking advantages in our plan appear to be, that the laws are fixed, and that as means are taken to promulgate them, they may be known to every one. That the decisions of the Adawlut being always on fixed principles may always be foreseen; that there is a regular and certain mode of obtaining redress; that the decision on each separate case is more speedy than in any native court, and that it is more certain of being enforced; that justice may be obtained by means of the Adawlut, even from officers of Government, or from Government itself; that the Judges are pure, and their purity and correctness are guarded by appeals; and that the whole system is steady and uniform, and is not liable to be biassed in its motions by fear or affection, policy or respect.

On the other hand, it appears that although the Regulations are promulgated, yet as they are entirely new to the people of India, a long time must pass before they can be generally known, and as both they and the decisions of the court are founded on European notions, a still longer period must elapse before their principles can be at all understood; that this obscurity of itself throws all questions relating to property into doubt and produces litigation, which is further promoted by the existence of a class of men rendered necessary by the numerous technical difficulties of our law, whose subsistence depends on the abundance of law-suits; that by these means an accumulation of suits takes place, which renders the speedy decision of the Adawlut of no avail; that the facility given to appeals takes away from the advantage of its rigor in enforcing decrees, and renders it on the whole, in many cases, more feeble and dilatory than even the punchayet, while in others it acts with a sternness and indifference to rank and circumstances, very grating to the feelings of the natives; that its control over the public officers lessens their power without removing the principle of despotism in the Government or the habits engendered by that principle in the people, and that by weakening one part of the machine without altering the rest, it produces derangement and confusion throughout the whole; that the remoteness of the Adawlut prevents the access of the common people; and that, if Moonsiffs, with fees, Vakeels, &c., be adopted to remedy this evil, they are not exempt from the corruption of the native system, while they occasion in a remarkable degree the litigious spirit peculiar to ours.

This view of the Adawlut is taken from the reports drawn up in Bengal, and it is possible that many of the defects described may originate in the revenue system, in the voluminousness of the Regulations, or in other extrinsic circumstances, a supposition which appears to be supported by the state of the courts under Bombay, where most of the evils alluded to are said to be still unfelt; but enough will remain to satisfy us that the chance of attaining, or approaching to perfection, is as small under our own plan as under that of the natives; that on either plan we must submit to many inconveniences and many

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many abuses, and that no very sudden improvement is to be looked for in the actual state of things. If this be the case, it becomes of the first consequence to cherish whatever there is good in the existing system, and to attempt no innovation that can injure the principle now in force, since it is so uncertain whether we can introduce better in their room.

I propose, therefore, that the native system should still be preserved, and means taken to remove its abuses and revive its energy: such a course will be more welcome to the natives than any entire change, and if it should fail entirely it is never too late to introduce the Adawlut.

Improvements suggested in the Mahratta System.

It is not, however, practicable for us to keep up the native plan entirely unchanged. In removing abuses we destroy the moving powers of tukkuza patronage and presents, and we look out for others to supply their place. For this purpose we may hope to have more purity, more steadiness, and more energy than the native government; and I think we can scarcely fail to place the people in a better situation in respect to justice, than that in which we found them. Such a change in the mere administration of the law will probably in time improve the character of our subjects, and admit of a gradual improvement in their radical principles; but it seems desirable that such improvement should be so slow as to allow the amelioration of the society to keep pace with that of the laws, and thus escape the evil of having a code unsuitable to the circumstances of the people and beyond the reach of their understanding.

Our principal instrument must continue to be the punchayet, and that must continue to be exempt from all new forms, interference, and regulation on our part. Such forms would throw over this well-known institution that mystery which enables litigious people to employ courts of justice as engines of intimidation against their neighbours, and which renders necessary a class of lawyers, who among the natives are the great fomenters of disputes.

Another objection to forms is, that they would deter the most respectable people from serving on punchayet. The indolence of the natives, their aversion to form and restraint, their hatred of novelties, and their dread of getting into difficulties in an unknown course of proceeding, and thus exposing themselves to our supposed strictness, would be sufficient to prevent any honest Potail from calling a punchayet, or any disinterested inhabitant from serving as a member: but it is only the honest who would be thus deterred; those who looked to profit through fraud would run a little risk in pursuit of their selfish designs, and would study our new laws so as to qualify themselves to evade them.

The Potail should be encouraged, as at present, to settle disputes amicably if he can, and otherwise to refer them to punchayets on the old model.

No papers should be required from those bodies but a razeenamah (or consent by the parties to the arbitration of the members), and a sarowash (or decision), as concise as they chose to make it. When these two papers can be produced the decision should be final, unless in case of corruption or gross injustice. When those papers are wanting the cause must be considered as still liable to investigation, but no censure is to be passed on the punchayet for failing to produce them. When a Potail refuses to grant a punchayet, the Mamlutdar may on complaint direct him to afford one, and if either party object to a punchayet in his own village, the Mamlutdar shall be at liberty to order one at his own residence or at any other village, as I believe was practised by the Mahratta Government. But unless both parties give their free consent to the arrangement proposed by the Mamlutdar, that officer must report the case to the Collector and wait his orders.

Appeals from village punchayets should be made to the Collector, who if he thinks the punchayet has not been freely chosen, or that it was not fully decided, or if on a summary inquiry he discovers any gross error or injustice, or sees good ground to suspect corruption, may order a new punchayet either at the original village or elsewhere. In this inquiry the Collector can, of course, direct the Mamlutdar to make any local investigation that may be necessary,

necessary, and he can employ his assistant or Aumeen either in conducting the summary inquiry or in superintending the second punchayet; but he ought on no account to go into an inquiry in any ordinary case merely because the punchayet appears to him to have decided erroneously, the object of this appeal being rather to watch over the purity of the courts than to amend their decisions. The appeal ought to be to the Collector rather than to the Mamlutdar, to prevent that officer either quashing complaints or needlessly drawing up causes from the village tribunals to his own.

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These rules will provide for the adjustment of disputes among villagers, but there are many mercantile and other persons who reside in towns, and are not subject to the authority of any Potail. For these persons another plan must be adopted. When they belong to trades, the Shaitee, or head of the trade, may perform the functions performed by the Potail in summoning a punchayet, with the consent of the parties; and when these means are insufficient, complaint may be made to the Mamlutdar, who, if he cannot accommodate the matter either by his own interposition or a punchayet agreed to by both parties, must report it to the Collector, who will authorize a punchayet of persons of the same order. When the parties leave the nomination of these punchayets to the Mamlutdar, or other officer of Government, he cannot be too careful to select the members so as to make attendance as little onerous as possible. Persons unemployed ought to be preferred to men in business, and the whole to be managed as much on the principle of rotation as the disposition of the parties may admit. The objection of the parties to any member ought, however, to be always attended to; and if they shew a disinclination to the persons proposed by the Government agent, they ought to be allowed to name four respectable persons themselves, who ought to choose a fifth as an umpire. If the members cannot agree, the umpire must be named by the Government officer.

In very large towns the superintendance of these punchayets may be too much for the Mamlutdar to undertake, and it will therefore be found necessary to nominate officers (to be called Aumeens, or whatever name has hitherto been in use among the Mahrattas) expressly for the administration of justice. There might be one to every Mamlutdar's district, or one to every two; but it ought first to be tried whether the Mamlutdars are sufficient to keep down the business, as the institution of so many dispensers of justice besides the revenue officers will certainly be new, and its effects on the punchayets, and on the people, cannot be clearly foreseen. Some means must, however, be found out to make up, in Poona especially, for the numerous chiefs and ministers who formerly used to assemble punchayets. For this purpose I think there ought to be three Native Judges at Poona, with salaries amounting to 200 rupees each, and three of inferior rank with inferior salaries, who should receive complaints referred to them by the Collector and submit them to punchayets, or to decide them themselves when both parties consented to that mode of adjustment.

In such cases as the Collector should expressly prescribe, causes to be tried by punchayets might be shaped by the Aumeen in such a manner that the pleadings, documents, and evidence might all be brought at once before the punchayet, and the cause decided at one sitting, unless the punchayet should call for more information.

In causes decided by the Aumeen alone an appeal should lie to the Collector, who might always, or on all reasonable grounds, order a punchayet to try the case anew; the higher class of Aumeens might try causes to any amount, but the second class should be limited to 200 rupees. The Collector might, in all cases, call up such causes as he thought of great importance to be tried before him or his assistants; the Shastree to each Collector might be an Aumeen, and might receive an addition to his salary on that account.

In each of the large towns, perhaps too in each district besides Poona, there might be an Aumeen, with powers only to grant punchayets when agreed to by both parties, and to settle such causes as the parties might agree in writing to refer to his decision; but wherever there was a dispute about the mode of trial, he ought to take the orders of the Collector.

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The Aumeens in the towns might have 150 rupees a month, and all the Aumeens might have a certain addition to their salary for every twenty causes decided by them, or by punchayets under their direction. The expense might be defrayed from fines hereafter to be mentioned; but the connexion between their allowances and the fund from which they are drawn ought not to be apparent to the Aumeen.

To complete the administration of justice reference might be made on all doubtful questions of Hindoo law to the principal Shastrees who receive pensions or warshashuns. The selection in each reference might be left to the Commissioner, as was the practice with the natives, or a small addition might be made to the salary of a certain number, who might be constituted regular authorities to decide on points of law.

Appeals ought to be received from the Aumeens on the principle above-mentioned, and in the same manner the Commissioner should receive special appeals from the Collectors, not with a view to revise their decisions on each case, but to give him an opportunity of ascertaining that his instructions are acted up to, and that the custom of the country is not departed from.

It is chiefly by this superintendence that we can hope to purify and invigorate the native system, so as to convert it from a mere engine of oppression into an instrument for a more extensive dispensation of justice than exists even in our own old provinces.

It is indispensable, on this principle, that the Collector should give audience for at least two hours every day to all ranks, receive complaints *vivâ voce*, and grant decisions and orders on Mamlutdars, as the cases require. If he confine himself to receiving petitions in writing, it is impossible that he should have time to become acquainted with the state of things in his district: this practice, combined with the Collector's tours round his district, ought to be a great check on the Mamlutdars, and those officers ought likewise to be obliged to answer speedily and fully every complaint made against them, or reference sent to them The great indulgence and forbearance recommended towards punchayets and Potails should have no place towards Mamlutdars, on whose purity and efficiency so much depends, and with whom those qualities can only be preserved by strict discipline.

The amount to be decided on by a punchayet under a Potail might be limited to 150 rupees, and by a Mamlutdar or Aumeen, without reference, to 1,000 rupees; when the amount exceeds this, the Mamlutdar ought not to call a punchayet, even with the consent of the parties, until he has taken the Collector's orders. Any sum might be referred by the Collector, but great causes, where delay and distance are of least consequence, would be best done under his own superintendence.

Causes in which great Sirdars are parties should be reported to the Commissioner, who should take measures himself, or send special instructions in each case. No claim for a debt incurred during the Mahratta Government ought to be enforced against this class with more strictness than that Government would have evinced; and all intercourse relating to causes of those persons should be conducted according to the practice of the former Government, as above described.

Rules ought to be made limiting the period at which a suit can be entertained. Twelve years from the commencement of the dispute would be sufficient in cases of personal property, but a very long period must be allowed in disputes about land, provided always that no prior decision by a competent authority has taken place.

These rules must be observed by the Mamlutdars and Aumeens; but they must not extend to Potails, who must be guided by custom alone.

A period ought also to be fixed after which appeals or complaints of gross error, bribery, &c. will not be received; these ought to be short when the cause was tried by a punchayet, and long when by a single Judge.

Mamlutdars and Aumeens should send registers of the causes they try to the Collectors, and the Collectors to the Commissioners, but nothing of the sort should be required from the Potail.

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So far, indeed, am I from wishing to clog the proceedings of the lower orders with forms, that I think a decision ought to be received and enforced by the public authorities, by whomsoever it has been passed, in every case where there is a written consent to the arbitration on the behalf of the parties, and a written award on that of the arbitrators.

Too much pains cannot be taken to encourage private arbitrations; and this is the more necessary from an opinion which appears to be industriously propagated, that our Government resents and punishes any interference of individuals in affairs which are without its jurisdiction.

The employment of the professional Vakeels ought to be strictly forbidden, both in the Mamlutdar, Aumeens, and Collector's Cutcheries: with the Potails they are not likely to exist.

Similar pains must be taken to guard against professional arbitrators, a description of persons who were not unknown under the Mahratta Government, and who appear, from Mr. Lumsden's report, to be becoming common under ours. This class, to all the bad qualities of hired Vakeels adds that of corruption in the decision of the cause; perhaps some rule should be fixed to compel the Mamlutdars and Aumeens to attend to this caution: but this is the only regulation I would venture to propose regarding punchayets.

The difficulty of assembling the members, and of getting them to come to a decision, suggests at first view some rules to promote those ends; but none can, I think, be ventured on, without the risk of making attendance first entirely compulsory and then very odious. The Magistrate may exercise his influence, and even an indefinite authority as hitherto, to procure attendance and decision, but he ought to use no absolute force, and above all to impose no fines, or other punishments: the utmost would be to call the punchayet to his court, and seat them with an Aumeen from morning to night, until they should decide.

The Collector might be empowered to bestow on members of punchayets, on whom attendance should appear to fall particularly hard, a sum of money, at his discretion, to repay their expenses; and he ought to withhold all assistance of the kind where the attendance of the members has been particularly remiss.

Punchayets ought to be furnished with a Peon to summon witnesses and parties, and in the event of the non-attendance of one of the parties after due notice, the cause might be decided against him, though liable to revision, on good ground being shown for his absence.

Some check is required to prevent frivolous and litigious complaints, especially in appeals from the decision of punchayets. Fees have been suggested for this purpose, but it is very doubtful whether they are a check on litigation any further than they are a check upon justice.

It appears a better remedy to allow the punchayets, or the person who tries the cause, to fine a party whose complaint or whose defence is palpably frivolous; and if this is thought to be too great a latitude to entrust to a punchayet, the fine might be limited to the extent of the fourth formerly taken by the Mahratta Government, or even to the amount which would in our own system be levied (even where there was no fault) in the shape of costs and fees, stamped paper, &c.; a portion of the money so levied might be given to the injured party when poor, and the rest would go to pay the commission allotted to the Aumeens and the expense of members of punchayets. If the fund proved inadequate to this purpose, a further sum might be raised by the sale of stamped paper for all deeds and contracts, which would be a security against forgery, as well as the means of raising a revenue.

In cases of appeals, I would oblige the appellant to enter into a bond to pay a particular fine if the complaint proved vexatious, and this, as well as the fine imposed on the loser, would only be a mitigation of the Mahratta practice in both cases. Decrees should be enforced in the mildest forms in use with the Mahrattas; a hircarra, or in case of a respectable man, a Carcoon should be sent to insist on the payment of the sum decreed, and to prevent the

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the debtor eating from sunrise to sunset unless it were paid. The property of the debtor ought also to be sold, but not his house nor the implements of his profession: if all this should be insufficient, he should be imprisoned for a period to be fixed on the report of the punchayet, according to the amount of his debt, and the fraudulent or litigious spirit he had displayed.

A question arises regarding the native practice of tukkaza. If left as it was among the natives, it leads to every sort of oppression, and the more, as the sufferer is often prevented coming to complain. If done away entirely, the great principle which drives men to punchayets, private arbitration, and voluntary composition, is put an end to, and every creditor is compelled to come into court. It is absolutely necessary to prohibit the use of force, but perhaps all restraints and inconveniences that depend on the point of honour ought to be allowed to remain.

Advantages and Disadvantages of the proposed Plan.

The plan I have proposed has many obvious and palpable defects, and many more will no doubt appear when its operations are fully observed. It has this advantage, that it leaves unimpaired the institutions, the opinions, and the feelings that have hitherto kept the community together; and that as its fault is meddling too little, it may be gradually remedied by interfering when urgently required. An opposite plan, if it fail, fails entirely; it has destroyed every thing that could supply its place, and when it sinks the whole frame of the society sinks with it. This plan has another advantage likewise, that if it does not provide complete instruments for the decision of suits, it keeps clear of the causes that produce litigation. It makes no great changes either real or apparent in the laws, and it leads to no revolution in the state of property. The established practice, also, though it be worse than another proposed in its room, will be less grievous to the people, who have accommodated themselves to the present defects, and are scarcely aware of their existence, while every fault in a new system, and perhaps many things that are not faults, would be severely felt for want of this adaptation. I do not, however, mean to say that our interference with the native plan is odious at present. On the contrary, several of the Collectors are of opinion that a summary decision by an European judge is more agreeable to the natives than any other mode of trial: this may be the case at first, but if the decisions of Europeans should ever be so popular as to occasion the disuse of the native modes of settlement, there would soon be a run on the courts, and justice, however pure, when obtained, would never be got without years of delay.

There must, however, in the system now proposed, be a considerable sacrifice of form, and even some sacrifice of essential justice; and it is to be expected that the abuses which will be observed under it will give particular disgust to most of our officers, because they are repugnant to our ways of thinking, and we are apt to forget that there are equal blemishes in every other system, and that those which are the least offensive in our eyes are often most disgusting to the natives. This unsuitableness of the native system to European ideas is, however, a very serious objection to its adoption, and renders it doubtful if we shall be able to maintain it after the officers to whom it is to be intrusted shall have ceased to be selected merely for their fitness.

(*Sic. orig.*) If our own system be unintelligible to the natives, it is at least intelligible to us, and as its characteristic is strict rules and checks to departure from them, it is not easy to go wrong. Moreover, as it possesses no very nice adaptation to the native way of thinking, a little derangement is of no great consequence. But the native plan can seldom be thoroughly understood by any of us: we may act against its plainest rules from mere ignorance, and we must all be liable to strike at its vital principles when we think we are only removing its defects. Nor is it necessary that the legislature should fall into this error to produce the most fatal effects. The error of an inferior executive officer is sufficient to overthrow the system. The Commissioner perceived the numerous irregularities, abuses, and corruptions in village punchayets, which may be avoided by a few simple rules, and the complete insight and effectual superintendence that would be gained by a mere report of the Potail's proceedings; he makes his regulations, directs a register to be drawn up, punishes the neglect of his orders regarding it, and from that moment there is an

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an end of village punchayets, until Potails shall be found who will undertake those troublesome and unknown forms from mere public spirit, with the chance of punishment and censure for unintentional failure. Not less effectual would be the decision of an inexperienced assistant, acting with that confidence which experience alone confers: he fines some punchayets for exceeding their powers, and imprisons some Potails for confounding their judicial with their fiscal functions, and the effect of his decision is as complete within his district, as if a law had been enacted prohibiting all interference in settling disputes, except by the officers of Government.

To avert these dangers, the best plan is to keep this territory for a considerable time under a separate Commissioner, on whose vigilance we must depend for correcting mistakes such as have been described.

Alterations already introduced.

Wishing to give a complete picture of the shape in which I recommended the native system to be preserved, I have not distinguished between the arrangements already adopted and those only proposed. In general, the Mahratta system has been kept unchanged. There are, however, some slight differences in the modes of proceeding of the different Collectors. Mr. Chaplin receives all complaints that cannot be settled with the consent of the parties, and directs the Mamlutdar to inquire into them, and when necessary to grant punchayets. Captain Grant adopts the same course, but also has many causes decided by himself and his assistants at Sattara. Captain Pottinger's proceedings are similar to Captain Grant's; and in the present state of Candeish there appears to be scarcely any judicial business. At Poona it has long since been found necessary to appoint three native Aumeens to assist in the administration of justice. These persons regulate punchayets and try causes, which both parties agree to submit to them, and latterly causes also, where the parties neglect to name the members of the punchayet. There have been 3,428 causes filed at Poona, of which there have been settled without a trial 1,323,

By punchayets	376
— injunction from the Collector	539
Dismissed on the non-attendance of the plaintiff	408

and there have been decided 1,015.

By the Collector and his Assistant	234
— punchayets chosen by the parties	44
— Aumeens	248

1,052 causes were undecided in the end of March.

Ultimate Improvements, if those now suggested should fail.

On the whole I should think that the means we have hitherto possessed have not been sufficient to meet the demand in Poona; and, perhaps, owing to the constant occupation of the Mamlutdars in revenue business, the same may be true in the country. I hope the plan now proposed will be more effectual; should it fail it will be necessary to have numerous Aumeens for holding punchayets, and to adopt, by degrees, stricter rules to compel the attendance and hasten the decisions of those bodies. If that should be insufficient, Moonsiffs must be empowered to try causes by themselves, in which case there must be an European Judge to hear appeals from them all; but these improvements must not be introduced until they are wanted, and we must be careful not to induce the natives to give up their present modes of settling disputes, by holding out a prospect of pure and abundant justice, which we may not ultimately be able to realize.

Summary of our Civil Arrangements.

To sum up the effects of our revenue, police, and judicial systems, we have in revenue lighter, more equal, and more certain assessment, less peculation, and consequently less profit to the agents of Government. In police more attention and more vigour, but less violence, and so far less efficiency. In civil justice the great change is, that Government has taken on itself the whole responsibility of protecting people's rights; but there is more form, more purity, more delay in some cases and less in others. In criminal justice more system,

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system, more scruples, more trials, more acquittals, more certain punishment for all crimes except robbery, and for that both less certain and less severe.

Condition and Disposition of the People.

It only remains to consider how the people stand affected to our Government, and what chance there is of interruption to our tranquillity.

Ministers.

We may, of course, as is usual in a change of Government, rely on the enmity of the upper classes, and principally of those who enjoyed places of power and emolument under Bajee Rao; but these were in general men neither eminent for their birth nor their personal character, nor was their administration so popular as to give them influence over the people. The only thing that might make them of consequence would be their wealth, and that is a security to us against their endeavouring to disturb the public tranquillity.

Great Chiefs.

The great hereditary Sirdars are a much more important class: they are not, like the chiefs of a Mussulman government, foreigners to the people, nor are they raised by the prince to fall when his support is withdrawn; they are of the same nation and religion with the people, and the descendants of those who have been their leaders since they rose to independence. Their landed possessions also give both an extent and a permanence to their influence, not usual in the countries we have before subdued. This class suffers severely, both in wealth and consequence, and the members would doubtless join in any plan that gave a fair prospect of regaining their advantages; but the enjoyment of their personal jagheers prevents their being driven to despair, and what they have yet to lose is enough to prevent their embarking in an undertaking so hopeless as a stuggle with the British power. I know none of this class that has such a character for enterprise or activity as to make him likely to stand forward. The great Jagheerdars who retain their lands are of course contented with the present state of things. The Putwurduns, except Christamore Rao, are perhaps better pleased with this government than the last; but the others would probably prefer a Mahratta government, if it could be restored without risk or exertion. Besides their national feeling, and their preference of rulers with whom they could have some communication, they probably have all a dread that sooner or later they will be brought under the Adawlut, if not dispossessed. This feeling, however, is not so strong in the Deccan as it seems to be in Hindostan. Appa Dessye is the most turbulent of this class; but though much irritated by the loss of Checkoree and Manowdee, he has still a great deal to lose, and is too much of a politician to throw it away by any rash enterprize. The Prittee Nedhee is a man of a very restless and adventurous turn, and his high rank apparently fits him for the head of an insurrection; but he failed in two rebellions against the Peishwa, and his understanding is now so much deranged, that it has been found necessary to leave the management of his affairs in the hands of his wife, a woman of ability, disposed both by her interest and her natural inclination to restrain the wild sallies of her husband.

Petty Jagheerdars, Zemindars, and Ryots.

The holders of personal jagheers, and those who have enams and other rights free of service, gain by the absence of extortions under our Government, as do the Ryots, with whom our principal popularity is no doubt to be found. But even among them there are many drawbacks on the gratitude we might expect for our light assessments and effectual protection. The Daismooks and other Zemindars, the Potail, and other village authorities, who lose power and emoluments by our care to prevent injustice and exactions, have probably influence sufficient to injure us materially, even with the very people in whose cause we incur their odium. The whole of the soldiery, and all connected with them, all who lived entirely by service, all who joined service and cultivation, all who had a brother in employment who is now thrown back on the family, and all who bred horses or were otherwise maintained by the existence of an army, detest and abhor our regular battalions, and are joined by their neighbours from sympathy and from natural feeling. The connexion between the soldiery and the cultivators, though it has this temporary bad effect

effect, is on the whole advantageous, as it points out a provision for the former class, to which the encouragement given by us to agriculture affords additional facilities. The general disposition of the agricultural class also is strong in favour of tranquillity: they are the first sufferers in wars or assemblages of banditti; and as they were by no means favoured under the Brahmin Government, they cannot, whatever pride they might take in Mahratta independence, seriously wish for its restoration.

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Bankers and Merchants.

The bankers who profited by loans and advances to the farmers of the Revenue, and the merchants who supplied the court and the upper classes, must for a time be discontented. They may, perhaps, gain more hereafter by other pursuits, but they must suffer while the channels of profit are shifting. This is the class which one would expect to derive most benefit by the introduction of a regular government; but whether owing to the equal division of property, which sets aside all the more costly articles of commerce, or to the exemption from all taxes allowed by the Native Governments to merchants, it seems to be thought in the Deccan that the bankers and merchants in the native territories are richer than in ours.

Carcoons.

A vast number of Writers, Vakeels, and other agents and dependents of the Government and of great men, are thrown out of employment by the fall of the late Government, and they are probably the most bustling, intriguing, and restless of our subjects; the most likely to injure the Government by plots or by false information, and the public by mischief-making and chicane.

Ministers of former Times.

Besides all these there is a large class of public servants of former days, who were reduced to poverty by the hostility of Bajee Rao. These are often much respected by the people. They would be the best people to employ in all offices where recent familiarity with business is not required, as they possess the weight of men who have filled public stations, without the regrets of those who have lately been in possession.

Soldiery.

With respect to the numbers of unemployed soldiery, I should have guessed the horse at ten thousand, and the foot at perhaps an equal number; but the accounts sent in by the Collectors and Political Agents differ considerably from this estimate, and are probably more correct; they are as follows:

	Horse.	Foot.
Carnatic	5,000	3,000*
Sattara	5,000	3,500
Poona	1,800	2,000
Ahmednuggur	2,500	5,000
Candeish	4,000	1,800
	18,300	15,300

A considerable proportion of these are from Hindoostan, and they are of the whole body the most difficult to dispose of. Having already been starved out of their own country they cannot go back thither, and being quite ignorant of agriculture they can find no employment here. Besides these there are the whole of the Mahratta horse employed by the Peishwa and his Sirdars, many of the infantry of the Concan, and Arabs and Sindies similarly employed, and likewise the Mahratta horsemen who have come in from Holkar's and Scindia's camps, and those that are still coming from Nagpoor. The numbers in the above table refer to those only who are now destitute of any regular means of subsisting.

Disturbances how far probable.

The whole of these, with an abundant proportion of officers, are ready to join any standard that promises a few months' employment. I do not, however,

* The number of foot in the Carnatic is not stated by the Collector, and the number is put down from conjecture.

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ever, think that a leader is likely to start up within our own immediate government and control. The Nizam's country is the most probable situation for such an assemblage, and any serious disturbance, of whatever nature, in that territory would have a powerful effect on ours.

A foreign war with a Mahratta prince (Scindia for example) would draw out many of these adventurers, and if at all successful would excite great interest with all. Both Scindia, Holkar, and the Bousla, and even the Guicowar, though in a much less degree, have many dependants throughout the country. Those of the Bousla are military men who have been in that service, or who have relations in it, but almost the whole of Scindia's and Holkar's courts and armies are natives of this country, and are still intimately connected with it.

The intrigues and money of Bajee Rao might produce internal disturbances which would not of themselves arise, and the appearance of a bold pretender from his family, the son of Amrut Rao for example, would probably call together a small body of adventurers, more impelled by want than by zeal, to maintain his title.

But the event which more than any other appears to threaten disturbance in this country would be a foreign war, that should require us to withdraw a large portion of our troops from the Deccan. A mere body of horse like Dhoondia's would soon be run down, unless it had some place of refuge to which our troops could not penetrate, or several places of refuge into which it might disperse without the fear of being disturbed by small detachments. The former case was that of the Pindarries before 1817, and the latter may be illustrated by supposing the strong country in the range of the Ghauts and immediately to the west of it, that on the Nerbudda and on the lower course of the Godavery, that in the rear of Ganjam and Cuttack, and similar inaccessible districts throughout the Deccan, to be in a state of insurrection, while a horde of predatory horse was scouring the plains. If closely pursued by a large force it might scatter and fly to these retreats, which, as they could not all be attacked at once, would each in its turn afford protection to the bands which had been dislodged from the others. The materials exist in abundance both for a jungle war and for one of predatory horse. They are prevented from taking any shape by the greatness of our real power, and the greater force of our reputation; but our troops as they stand at present are by no means more than sufficient to ensure a continuance of this impression, and any circumstance which should require for two campaigns such a concentration of force as took place in 1817, would probably be sufficient to produce all the bad effects I have alluded to. Such an event is not likely to happen, and the chance of its occurrence will be prevented by a timely consciousness of the danger to which it would give rise.

I have left out of the account the dangers to which we should be exposed by any attempt to interfere with the religious prejudices of the natives. These are so obvious, that we may hope they will never be braved. The numbers and physical force of the natives are evidently incalculably greater than ours. Our strength consists in the want of energy and the disunion of our enemies. There is but one talisman, that while it animated and united them all would leave us without a single adherent: this talisman is the name of religion, a power so odious, that it is astonishing our enemies have not more frequently and systematically employed it against us. I do not point out the danger now from any apprehension that Government will ever attempt to convert the natives, but to impress upon it the consequences that would result from any suspicion that it was disposed to encourage such a project. While we enjoy the confidence of the natives our boldest innovations are safe, but that once lost, our most cautious measures would involve us in danger. It would not then be necessary that we should go so far even as we do now; the most indifferent action would suffice to excite that fanatical spirit, the springs of which are as obscure as its effects are tremendous.'

On the whole, I think that with tolerable vigilance and promptitude, joined to the moderation which Government seems determined to shew, we may reckon ourselves safe, even for the present, from all disturbance. The disaffected will be kept under by our force until they become insignificant, and in a few years all will be quiet and well disposed.

(Signed) M. ELPHINSTONE.

LETTER *from the Honourable* MOUNTSTUART ELPHINSTONE *to the* POLITICAL SECRETARY *to the* BENGAL GOVERNMENT,

Dated the 1st October 1819.

Letter from the Hon. M. Elphinstone, 1 Oct. 1819.

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SIR:

In the month of January last I was induced to circulate a series of interrogatories to the Collectors and Political Agents, for the purpose of obtaining a clear notion of the former customs and actual state of the Conquered Territory. Expecting that the jummabundy reports would convey the requisite information about revenue, I confined my questions to the police, civil and criminal justice, together with some general subjects connected with the moral and political condition of the people. I have now the honour to enclose copies of the answers I have received. Captain Robertson's sentiments on most of the subjects referred to are contained in separate despatches.

I have, &c.

(Signed) M. ELPHINSTONE.

REPORT *of* ——.*

Administration of Justice under the Peishwa's Government.

Mr. ——'s Replies to Judicial Queries.

All endeavours to discover the existence or remains of a regular Mahratta system of justice in the southern division of the Mahratta country have hitherto failed, and the following remarks on the subject are necessarily mere inferences drawn from the general conduct and proceedings of the officers of the late Government, the impression made thereby on the minds of its subjects, and the sense and feeling of the people as to right and wrong.

The few remains of law and justice that have survived the different revolutions by which this country has been convulsed for the last three centuries are evidently relics of the ancient Hindoo institutions. The Mahommedan kings of Beejapore do not seem to have interfered much with the administration of justice beyond the seat of government. Their laws and regulations, founded on the Koran, chiefly referred to their own caste, and they were satisfied with deriving a high revenue without meddling with the religion of their Hindoo subjects, except when inflamed by wine, or fits of holy zeal, to make converts with the sword of the Prophet.

The military genius of the Mahrattas could never have been favourable to a system of justice; and since Hyder invaded the Dooab, about fifty-five years ago, the peace of the country has been disturbed by so many wars, inroads, and rebellions, that even under a more regular government it would have been vain to expect the observance of civil regulations. The wars of Hyder and Tippoo; the incursions of Dhoondia and other freebooters; the treachery and rebellion of local officers; the dissentions among the Peishwa's nobility, and the disaffection of his most powerful nobles; the independence of Jagheerdars; and the rapacity of Sirsoobadars, Mamlutdars, and inferior officers, were evils which, for so long a continuance, would have shaken the foundation of the most substantial system, had such a system been organized during any period of the Mahratta empire. The only institution that has survived disturbances is the Hindoo punchayet, which has lived through all the changes that have occurred since the downfall of the Vejeanuggur dynasty. This mode of trial, which resembles our English jury, has been upheld by the same principle that enabled the latter to rise again from its ashes, notwithstanding all the violent efforts of our Norman conquerors to supersede it by substituting the trial by battle.

Had legislation been more consonant with the military disposition of the Mahrattas, they, being Hindoos, would naturally have revived the institutions prescribed by their own Shastrees, rather recurring to the old system than introducing a new one; but for the last fifty or sixty years there has scarcely been an interval of tranquillity, and the state has wanted time and opportunity, as well as inclination, for measures of reform.

The

* No name or date to this report in the original.

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The first care of every government must be the revenues of the state, and where we find that, owing either to vice or weakness, this vital branch of the constitution has been neglected, it is in vain to look for order and regularity in any other; we might as well look for motion and activity in a body the blood of which has ceased to circulate. From the late destructive system of renting the revenues; from the decayed and neglected state of the tanks, water-courses, and all other public works; and from the character of the Mahratta Government impressed on the minds of its own subjects, we may confidently infer that the Peishwa's officers in the Dooab, if not in every other part of his dominions, so far from consulting the welfare of the people and the prosperity of the country, did not even bestow common attention on the more immediate interests of the state. But what could be expected but ruin and disorder from the licensed plunder committed by the renters and managers, into whose rapacious hands the country had been delivered by its own government? Under such a system the Peishwa could hardly have mocked the feelings of his subjects by affecting to introduce courts of law and forms of justice; this would have been worse hypocrisy than that of the Mahommedan king mentioned by Ferishtah, who, while his country was covered by his destroying army, affected, out of his tender consideration for the property of the inhabitants, to have his vegetables conveyed from place to place on portable beds of earth, so that even the brinjalls for the Rajah's table might not be gathered with the hand of oppression.

A state that has always been at war, and regarded war as a fruitful source of revenue, could not be expected, while setting examples of flagrant injustice, to exact judicial rule and ordinances. Our own Government in this country has certainly shewn, that making war abroad is not inconsistent with the manufacture of Regulations at home; but the Mahratta constitution was military, ours is civil: they made war for plunder, we make it in self-defence, or for the more exalted purpose of civilization.

Under the Peishwa's Government no regularity appears to have been observed, either in trying causes or referring them to punchayets. The Sirsoobadar of the Carnatic, Prautt, and the Mamlutdars under him, were the only representatives of the Circar both in revenue and judicial affairs. They had power either to decide upon the cases that came before them or to refer them to punchayets; but in most cases the inhabitants assembled spontaneously without the order of the Circar officers, who were too apt to treat the parties and the matter in dispute as the cat did the mice and the cheese. The Aumildar if applied to, if not the head inhabitant, nominated four or five, or any other number of the most respectable and best men of business in the neighbourhood, and referred the matter in dispute to their arbitration.

The consent of both parties was necessary to a punchayet. No umpire or officer of Government presided; but if opinions on each side of the question balanced, or if the point at issue was more difficult than usual, more arbitrators were called in to assist with their judgment. No Shastree was consulted, nor does a Shastree ever appear to have acted in concert with the members.

Punchayets.

Punchayets were usually held near the place where disputes originated, and the village Peons under the authority of the Potail or head inhabitant summoned the members and the witnesses. As, however, they generally understood the affair before-hand, it was seldom necessary to send for them. When compulsion was necessary the Mamlutdar was applied to, and if either party failed to attend after a punchayet had been agreed upon the trial could proceed *ex-parte*.

I have not been able to discover any thing like a regular punchayet decree, and none seems to have been drawn out here; indeed, the mutual agreement exchanged between the parties and signed by witnesses rendered any further proceeding unnecessary. Some of these agreements entered into during the late Government have been examined; each party possesses a copy in which the result of the inquiry and the terms decreed are briefly stated. No confirmation of the punchayet's proceedings appear to have been necessary, except when either party infringed his agreement, which the Mamlutdar could oblige him

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him to conform to it. The Mamlutdar could punish by fine a corrupt member, or even order a new punchayet to try the same cause over again on proof of corruption: he could also enforce the attendance of members and fine them for neglect.

As the arbitrators were always the most respectable and intelligent of the community, they must have considered their nomination as an acknowledgment of their superiority: they received no fee of any kind for performing the duty, but there was seldom any difficulty in procuring their attendance. It was a duty which they owed to society, and as the member of a punchayet to-day might be the suitor to-morrow, he could not refuse to his neighbours the same justice which he expected to receive from them. Where this feeling was insufficient to secure their attendance the Mamlutdar could enforce it.

Nomination of Punchayets.

In general the punchayet seems to have been nominated by the head inhabitant, in communication with the parties, so that he could not have appointed a member inimical to either of them. Punchayets do not appear to have been ever formed of the Potails of several villages, and complaints against Potails were preferred to the Natgeir, Deshai, or Mamlutdar.

Mode of enforcing Decrees.

When the weight of a punchayet's decree was insufficient to secure its observance the Mamlutdar was applied to, or if the village was superintended by a Natgeir or Deshai, he was referred to in the first instance, and his influence was very considerable. There was no regular appeal, but the Mamlutdar had authority to set aside an unfair decision.

Public Opinion with respect to Punchayets.

The public opinion with respect to punchayets must be very favourable, as it is this opinion that has made them popular for so many ages. They are sought by all parties except those who, conscious of the weakness of their cause, would prefer a more distant tribunal, where the merits of the case are less intimately understood. The arbitrators being generally the neighbours of the parties, can best appreciate their claims. They have little theory and little knowledge of written laws, but great practical experience with much good sense and understanding; and, perhaps, the mamool and common law is better known by them than by any set of country gentlemen in the world, not excepting the farmers and tax-masters of England. They are sometimes partial to a friend or a popular character; but this objection, which holds equally against all tribunals, is remedied in a great measure by the liberty given to the parties of challenging obnoxious members.

When the arbitrators are chosen on the spot, so that they may not be taken from urgent business or ceremonies, their attendance is not felt as a grievance.

Litigation.

Habits of litigation have not been yet produced by punchayets, although their awards are gratuitous, nor do such habits prevail in any part of India, perhaps, where lawyers and Vakeels do not live by them.

No regular courts or Judges appear to have been ever established in the Mahratta country.

Powers of Jagheerdars and of Enamdars.

The powers of the great Jagheerdars have been under no control for the last twenty or thirty years, except the control exercised by General Wellesley. Within their own jagheers they appear to have had as much authority as the feudal Barons formerly had in Europe before appeals to the King's courts were instituted; but if we may judge from the fine condition of their villages, they could not in general have been tyrannical to their Ryots. Enamdars of entire villages seem to have had much the same powers as Potails.

Vakeels.

The business of agency was not a separate profession. A man's Gomastah was allowed to conduct his suit when he was himself unable to attend, and

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great inconvenience would result from prohibiting the employment of such representatives.

Attendance of great Men.

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All trials in this country appear to have been conducted in the most open manner. In ordinary cases great men were not obliged to attend in person either as defendants or witnesses; as defendants, the attendance of their Gomastah was generally sufficient, and the evidence of distant witnesses or men of high rank could be procured by correspondence. This indulgence appears to have been carried too far, and great men, instead of bowing to the supremacy of the law, considered only the rank of their Judges in comparison with their own. They would not think it degrading either to attend or to give evidence in the presence of a superior.

The *vivâ voce* evidence of witnesses appears in all cases to have been sufficient.

Oaths.

Oaths were never required from witnesses, and it was only under extraordinary circumstances that the parties in a suit were called upon to swear. Even in these cases, the oath was only presented as an ordeal in the absence of evidence.

A respectable Hindoo deprecates an oath as a species of sacrilege, and should never be compelled to take one when it can be dispensed with. One or two instances only of swearing are recollected in this part of the country.

The Hindoos leave the punishment of perjury to God. They as well as we are enjoined by Holy Writ to "swear not at all:" but an oath either taken or broken to save a man's or a cow's life or reputation, to avert a great evil, or promote a great good, is not deemed unpardonable.

Whether Fees were paid by Suitors.

No fees or fines were decreed by punchayets, but damages were frequently awarded.

The Circar did not impose regular fees as the price of justice; but the Mamlutdars had full power to fine, and the little justice they afforded was dearly purchased.

Subsistence of Witnesses.

No subsistence was allowed by Government either to defendants or witnesses; but the latter were seldom summoned from a distance when their written testimony could be procured.

Disputes about Succession.

Disputes regarding succession, when brought before Mamlutdars, were either settled by them or referred to punchayets; but the influence of the Deshai, Natgeir, or Potail, or of the neighbours and friends of the parties, generally brought about an adjustment. Punchayets for the trial of such disputes were appointed in the same way as other punchayets.

Boundary Disputes.

The popular mode of determi[illegible] boundary disputes is a species of ordeal which is held very sacred; it i[illegible]ned b[illegible]f the parties proposing to walk along the true boundary, [illegible]g a [illegible]d in a particular manner upon his head, and observing cer[illegible] cere[illegible] If he perform the walk without the light being extinguished, his st[illegible]k the boundary in dispute. This ceremony, however, does not appear to have been observed for many years, so that boundary disputes in modern times have probably been settled in the same way as all others.

Disputes about Caste and Religion.

The religious institution of the Hindoo appears to be nearly in the original state. Among the Brahmins, the Acharees of the Muttums, and among the Shoodrees the Gooroos of different sorts, have ample powers to try and determine all disputes at all connected with caste or religion. These priests have more extensive influence than the abbots of monasteries formerly had in Europe.

Europe; but appeals lie from their decision to the principal Muttums, of which there are several in different parts of the country. The Brahmins who preside at these Muttums have infinite control in all affairs of caste and religion: they inflict penances and excommunications, much more dreaded than any civil punishment, and fully adequate to enforce the observance of their decrees.

The great Acharee, or high priest, is as tenacious of his prerogative, and as jealous of law interference, as the Pope ever was in the zenith of his power; and the sovereigns of this country seem to have considered, that "*Sacerdotes a regibus honorandi sunt non juricandi.*" It appears, however, that they had authority to assemble a wootura sooba, or squad of Brahmins, and that the powers of this assembly were superior to those of the highest Acharee. Applications were sometimes made by the ecclesiastical to the civil power, when the arm of the law was required to subdue refractory spirits who were not to be awed by the thunders of the church. No regular punchayet was assembled for the trial of caste disputes, but the heads of castes could refer common cases to a vestry chosen from the same sort. Nearly half the population in the southern division are Sing Buljee Mars, and in every ten or fifteen villages they have a meeting-house termed kutta munny, where matters of caste are discussed; but all questions of importance are referred to the shimasumrus, or seats of the Gooroos, in different parts of the country.

The principal Muttums are provided with learned Brahmins ready to expound the shastrums. The sovereign power in this country, if not founded on religion, was intimately connected with it. The same books contained the laws of the church and state, and the same Brahmins expounded them, so that the ascendancy of the Brahmins and Shastrees here was even greater than that of the priests and canon laws in the dark ages of Europe.

Recovery of Debts.

Neither Hindoo law nor the customs of the country have provided any effectual means for the recovery of debts. Dhurna and imprecations were the usual measures resorted to, and these were at least as much in the power of a poor as a rich man.

Oppression of great Men.

Oppression makes less noise in this country than in Europe, because it meets with less resistance; but I have scarcely visited any part of this division without hearing of the atrocities of the Peishwa's officers. But although much oppression was exercised by the Circar servants, the general feeling of right and wrong was a great check against the tyranny of individuals, and perhaps the union produced by castes has some effect in preventing oppression, for no man could injure another seriously without touching the link of a chain that would have been ready to encompass him.

Their influence in Justice.

The influence of Jagheerdars in the administration of justice was chiefly confined to their own villages; their bribes, however, would have had great effect in the cutcherries of the Mamlutdars, but in order to have gained over a punchayet they must have bribed every member.

With respect to the judicial powers assumed by great men, the Potail is generally the first man in his village, and he would not have allowed any person except a Circar officer to interfere with his jurisdiction. Had any Khooshbash inhabitant set up for a judge, he would have afforded the boys in the village much amusement. Neither money nor family connexions have much weight in this country if connected with Government: a Shroff or a Chetty is generally the richest man in the community, but either of these characters would have been much more anxious to conceal his wealth than to indulge his ambition under the Mahratta Government.

Power of annulling Decisions.

There is as much regard for mamool and precedent in this country as in any other; but this feeling would not have prevented a Mamlutdar from setting aside an unjust decision of his predecessor, nor would he have scrupled to annul the proceeding of a Deshai, Natgeir, or Potail on similar grounds.

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The practice in good Times.

For good times we must look back as far as the period of the Hindoo dynasty. During the time of Nana Furnavees the Jagheerdars were kept in better order, the Sirsoobadars were better controlled by the Government and the Mamlutdars by the Sirsoobadars, and appeals might sometimes have found their way up to the seat of Government, from the Potail or punchayet to the Mamlutdar, from him to the Sirsoobadar, and from the Sirsoobadar to the Peishwa. But no judicial rules ever found their way from Poona to this part of the country. The long reign of Sahoo Rajah might have produced order and regularity, but he seems to have been less engaged with the management of his own country than with the conquest of new ones; nor would this division have benefited by his legislation, as it was subsequently annexed to the Mahratta dominions. Madhoo Rao appears to have been one of the ablest of the Mahratta sovereigns, but his virtues were military, and could not have done much for the cause of justice. All that seems to have been effected in the best times was the establishment of the Circar authority throughout the country, the subordination of the public officers, the good behaviour of Jagheerdars, and the subjection of the people. To keep the country with a strong hand, to command all its resources, and to monopolize oppression, appear to have been the grand objects of Mahratta legislation.

Recovery of Debts.

It has been already observed, that dhurna and imprecation were the usual modes of recovering debts; a public officer, however, would probably have enforced the payment of his own or his friend's debts by imprisonment. A debtor's resources are generally well understood, and if able to pay he undergoes a course of dhurna even more intolerable than the practice of dunning in Europe. The lower classes often paid in labour debts which they had no other means of discharging; but the practice of delivering children or families as hostages is unknown here.

Bankrupts.

It is extraordinary that the custom so well known in many other parts of India respecting the treatment of bankrupts should not have been practised at Ranee Bednore, which is one of the greatest corporate towns in this part of the world, to which most questions relating to trade and commercial ceremonies are referred by all the neighbouring Chetties. Bankrupts are treated here like other debtors.

Litigation.

Where there was so little law there could not be much litigation, and litigious spirits must have found vent in the spiritual courts. Law suits generally originated in disputes about joint property in the merassee lands of Potails and Curnums, chiefly of the latter, and no new subjects of litigation have yet appeared.

Codes of Law.

The codes of highest authority here are those of Vigneareshreerun and Mahaderam, but it does not appear that they have been consulted for some years on law matters.

Innovations of the Mahommedans.

The innovations of the Mahommedans do not seem to have extended beyond the capital and the cusbahs of the provincial officers. In the immediate neighbourhood of these places we find the Hindoo institution much in the same state as in the remotest part of the country.

Laws observed with respect to Mahommedans.

With respect to Mahommedans, if both parties were of the Mussulman faith, the Cazee, or in his absence the person best read in the Koran, was applied to for justice in the country villages. When a Hindoo and a Mussulman were the parties, the case was generally referred to a Hindoo punchayet; but the admission of a Mahommedan as one of the members would not have been objected to. Had any law been consulted under the late government it would have been Hindoo: but the Mahommedans usually preferred their complaints to the Mamlutdar when

when there was no Mussulman law officer in the neighbourhood, when his authority would have been inadequate, or when a Hindoo was the defendant.

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Criminal Justice.

The criminal jurisdiction here seems to have been still more irregular than the civil. Punchayets secured some degree of redress in matters referable to arbitration; but as they had no cognizance of criminal matters, the prosecutors depended chiefly for justice on the personal character of the Mamlutdar, who appears to have exercised every power except that of capital punishment.

Nothing can more strongly mark the absence of legal redress, and the neglected state of criminal justice, than the prevalence of *thulku*, or public revenge, which was sometimes perpetrated here to the greatest excess with impunity. Two or three cases are mentioned in which this outrage was carried to such lengths, that the officers of the Circar were compelled to notice it, and to punish the offenders by fine;* but as fines were imposed rather as a source of revenue than a means of punishment, they had little effect in promoting justice or checking immorality.

The Sirsoobadar appears to have been the only provincial officer who had power of life and death; but he exercised it only against notorious offenders, who were dangerous to the state or the peace of the country.

All petty offences were punishable by the Mamlutdars, who made them a profitable source of revenue, by imposing fines on all who could pay them. Simple murder was seldom capitally punished; and many persons who were guilty of this crime are said to be still alive and merry. Neither the Hindoo law nor the customs of the country appear to have been consulted in criminal matters.

Offences against morality among the higher classes being also offences against religion, were cognizable by the spiritual power, and generally required absolutions, the expenses of which were equivalent to fines.

There appear to have been no forms of trial in criminal cases, and they could not have been very requisite when notorious offenders only were punished.

The usual mode of executing criminals was by hanging. Prisoners were confined in the nearest fort, and in irons if their escape was apprehended. Wooden stocks were generally used in confining persons of low condition, and these being clumsily made were fastened on in a very cruel manner. They were sometimes applied to men of respectability: and an instance is recollected, at Ranee Bednore, of a Potail who died under the effects of them.

The ancient system of village police has not been altered by the Mahrattas, but its instruments have been considerably corrupted and relaxed. The village Tullaries have been always the most efficient officers of police: their own roguish habits and propensities make them the best thief-takers in the country if properly controlled; but under a lax superintendence they are dangerous instruments, and often commit more offences than they prevent. It is the interest of the inhabitants, from whom most of their fees are derived, to control them within their own village; but this check does not extend to other villages. No district officer appears to have been at the head of the police during the late government. The Tullary reported to the Potail or Curnum, and they to the Mamlutdar, who communicated matters of importance to the Sirsoobadar; this system still continues, and, if properly superintended, seems as well adapted to the state of the country as any other.

The Tullary's chief duties are to watch the village, the crops and the highways, to catch thieves, and trace them by means of footsteps and other marks, and to discover stolen property. He is under the Potail and Curnum, and the Dashai or Daispandee, where there is one, has little to do with them. It is difficult to calculate the average or usual allowances of Tullaries, as they differ

* In one or two cases they appear to have been capitally punished, but more for the safety of the State than the good of society.

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differ in every village, and are derived from many different sources, which vary much in different places and in different years at the same place; they are derived chiefly from lands, from roossaoms on the customs, from azeem mera, or tithes on the crops, from kuntiwanum, or fees paid by weavers and others, and from phusgee. The regular allowances of a Tullary are supposed to average about two rupees a month, and this is probably near the mark. Their irregular receipts cannot be estimated, but are probably considerable; their fees are vexatious in the collection, and neither fixed nor certain in the amount, and where they are entitled to one handful of the produce they often take two: this part of the allowances is therefore open to abuses, and should be commuted for something more determined. If the average fees paid by each individual were ascertained the amount might be consolidated with the revenue, and a compensation might be made to the Tullary, either by reducing his jadee, by giving him more land, or by paying him in money; the jadee levied on the lands of Tullaries is said to be generally about thirty per cent. of their produce, in many villages it is fifty per cent., and in some it is so high that the lands have been thrown up altogether. The Tullaries here are almost all of the Bedur caste, which abounds so much in the Ceded Districts. They are active fellows, who seldom remain idle, and if not employed in catching thieves or in some other useful occupation, they often become thieves themselves. The Tullary of every village has generally two or three brothers or other male relations in his family, so that there is no want of hands either for police or for cultivation; and as agriculture keeps them out of mischief, perhaps it is better to pay them with lands than with any thing else; but to make it worth their while to cultivate, the jadee on their lands must be considerably reduced. It does not appear to have been usual here to make Tullaries responsible for stolen property, except as an encouragement to trade in particular cases, when merchandize has been robbed on the highway. This responsibility, if indiscriminately enforced, may be unjust, but seems very proper wherever a robbery might have been prevented by the exertions of the Tullary.

Besides Tullaries there are Shetsundies, or local militia, in all the large villages: they are under the Potail and Curnum, and in times of tranquillity their duties are chiefly revenue; during public disturbances they form the chief strength of the *posse comitatus*, when it is called out by the officer of the district against Bheels or rioters. The Shetsundies are mostly paid with lands, which afford about two rupees a month to each Peon. They are of different castes; Bous, Mahrattas, shepherds, and Moormen, but the Bous predominate. In large villages there are from five to eight or ten Shetsundies; in smaller ones, from two to five or six.

With respect to the mode in which the Tullaries discover thefts: as almost every man in the village contributes in some way or other to their support, and has a claim to their services, their intercourse with the inhabitants is constant and familiar, and it must be very difficult to commit a theft without their knowledge or connivance; they are acquainted with the means, habits and actions of every householder, and well know in what quarter to look for stolen property.

With respect to vigilance and attention, the police here requires much reform; the instruments of it are good, but much out of order. The mode in which the Tullaries collect their dues encourage habits of rapacity, and these habits were rather countenanced than checked by the conduct of the Peishwa's officers. By licensing the privilege of smuggling Mysoor sandal, the late Government bred a tribe of accomplished rogues, who being now excluded from that species of fraud are ready to enter upon every other; hence the notions of *meum* and *tuum* are here vague and irregular, and nothing but a strict control and severe examples will restore good order.

The powers of the great Jagheerdars seem to have been independent. In the districts of Ranee Bednore and Haugul, which were the jagheer of Roop Rao Chowdry, his authority, or rather that of his Mamlutdars, appears to have been almost absolute, but not to have been exercised with discretion. The powers of a small Jagheerdar or an Enamdar seldom exceeded those of a Potail.

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There are heads both of castes and professions; and although they have no authority as public officers, their influence as connected with custom and religion has a great effect on the manners and morals of their respective adherents. This influence would perhaps be more effectual than any other if the head of the police and the head of the caste would view offences in the same light; but the eyes of police are confined to this world, while those of caste are chiefly directed to spiritual matters, and see more guilt in the slaughter of a cow than in the rape or murder of a fellow-creature; still, however, the influence of caste is a great check against vice and immorality.

In the country villages there appear to have been no restrictions as to the proper hours for going abroad and staying at home, but it is said to have been the custom at Lavenore, and other large towns, to confine till morning in the Cutwal's choultry all persons found out of doors after midnight.

Pôtails and heads of villages were generally responsible for the conduct of their respective classes, that is, it was incumbent on them to see that immorality was punished by fine or penance. In disputes respecting caste or custom, it was their duty to prevent outrage and disturbance; but their impartiality could not be relied on in such cases.

The sale of liquor was licensed but not regulated, and drunkenness is a common vice here among all classes except Brahmins and Buljewars: these also are much scandalized if they do not indulge in private.

With respect to Beggarees they seem to have been seldom employed here; great men, who had the power to press them, were mostly Brahmins, who have little to carry except their wardrobes and cooking utensils, which would have been polluted by the contact of a common Beggaree. Chattees and straw seem to have been furnished gratis to men of consequence, and wood; also, in villages near the jungle, of which there was abundance in most places.

General Questions.

With respect to the general character of the Mahrattas, they appear to have more energies and fewer prejudices than any other Hindoo people; their armies have been the only ones in India (except our own) able to cope successfully with those of the Moguls, and as a military nation they are perhaps superior to any other in Asia. But perfidy and want of principle are still the strongest features in their character; and their successes have perhaps been less owing to their activity and courage than to their artifice and treachery. Their presence of mind, patience, and intrepidity are truly surprising, since they appear to have no point of honour to fight for, few feelings of generosity or gratitude, and little *esprit du corps.* Their leaders have the virtues of a Catiline, and their troops are Pindarrics; every man seems to be "*alieni* "*appetens sui profusus.*" The character of the Mahratta government and the Mahratta people appear to be quite distinct; and the manners of the court and the people were as much contrasted as those of the Emperor of Russia and his Siberian subjects. They seem to have had common feelings and sympathies, however, with respect to war and plunder; but cruel, selfish, and rapacious as they are, there are circumstances which place the former Peishwas in a much more favourable light than either Hyder or Tippoo. The Lanawaor Nabob, when in imminent danger from the armies of Hyder, who sought, in the first instance, to conciliate him, placed more confidence in the generosity of the Mahrattas than in the faith and promises of his near relation. The Travenoor Deshai, who had long followed Hyder's standard, adhered to that of his son; but Tippoo only rewarded his zeal with death and confiscation. His family, reduced to the greatest distress, applied to Purseram Bhow, who procured a comfortable allowance for them, although the enmity of the Deskase had been scarcely atoned for by subsequent services. These instances of liberality, however, are probably to be ascribed more to intrigue than to generosity.

Murders instigated by revenge, and executed by private persons, seem to have been common here; robbery was also common, and perjury would have been so had oaths been more frequent. The prevailing vices were lying, adultery, and drunkenness.

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The influence of caste and public opinion, as connected with religion, is very strong; and the censures of the priest have, perhaps, in general, more weight than the terrors of the Magistrate.

The powers of castes to watch over morals have been already described. The influence of parents and guardians depends more on their personal qualities than on the sacredness of their characters. All reverence is reserved for the church, and a good stock of charitable faith covers a multitude of sins. The authority of husbands depends still more than that of parents on personal qualities, and unchaste wives are still more common than undutiful sons. The penances and absolutions by which adultresses are whitewashed are false friends to the causes of chastity; they seem, however, to satisfy the injured husband, who is generally of a forgiving temper, and free from jealousy.

All the religious institutions here seem to be nearly in their original state, and the funds allotted to them seem in general to be faithfully appropriated. The clergy in this country are neither very ambitious nor luxurious, and their expenses are chiefly confined to feasts and ceremonies connected with religion. A good table and cellar do not form the luxuries of Brahmins, and they have no refectories to divert the feuds of the church. The habits of Hindoo priests are favourable to a regular life, and their conduct being public, is open to the censure of the world as well as to that of their ecclesiatical superiors. Their faith is less orthodox, their morals are less strict, and their discipline is more lax than it was in former times, but still there is much religion among them.

The censures and excommunications of the spiritual power had generally sufficient weight to enforce religious observances; but when the callous ears of a libertine were deaf to the thunders of the church, he was sometimes resisted by the lightning of the state.

The persons who had influence over the people here were generally Potails, Curnums, priests, and heads of castes and professions. Dessayes and Daispandees had also considerable influence; monied men had likewise influence, but wealth alone is not equivalent to power in this country.

There are schools in all large towns and villages, but none of them are free: the common price of learning is half a rupee a month. Brahmin schoolmasters teach boys of their own caste and shoaders also: but most of the Bulgeewars, who are very numerous here, are taught by Jungums.

The Barutum and Ramayanum and easy versions of these books are the usual studies: this reading teaches about as much as the Latin and Greek that are commonly learned in European schools. In some respects a native education is superior to an European one, which is in fact three different or contrary educations, namely, of parents, of masters, and of the world; that which is learned in the latter effaces all the ideas of the former.

If we subtract from the whole corps of European readers the light bodies that dwell in novels and romances, the shallow minds that skim the surfaces of learning, and the perverted intellects that are carried away by metaphysical flights and impracticable theories, we shall still find a valuable balance of improved sense and knowledge. Hindoo books teach little knowledge or morality: they make a few pedants but no coxcombs or Don Quixotes. To render the people high-minded citizens, would neither contribute to their happiness nor to the security of our Government; but we might safely and advantageously encourage harmless reading by furnishing the country schools with easy versions of the best Hindoo books. These schools might be much improved by exciting emulation among the masters and scholars, and perhaps it would be practicable to establish a college in each district for the promotion of learning. Among the idle tribes of pensioned Brahmins in each talook are some Shastrees and literary characters, whose learning and instruction might be turned to account, and it is but reasonable that they should do something for their allowances. An institution of this kind would convince the people that the Government takes an interest in their welfare, and that taxation is not the sole object of the state; it would answer the purpose of a court of Shastrees for expounding the laws. It would be an excellent school for public servants, and it would give useful occupation to restless and ambitious

tious minds, whose idleness is always dangerous; such an institution would require little encouragement except the patronage of the Collector and his cutcherry, and it would only be attended with the expense of a roomy building, a few professors, and a few books, all of which might be procured at a small expense to answer every useful purpose.

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The people in this part of the Carnatic do not appear to be so well off in point of subsistence as they are in the old districts of the British Government. The Ryots, and all who are concerned with agriculture, are decidedly worse off; the trading classes have been more favoured, and their circumstances are somewhat better; but the deserted and ruined state of many pettahs and bazaars, which have evidently been very considerable within the last twenty years, proves that the merchants as well as the Ryots have been much oppressed. The heavy and long monsoons in the Mahratta country probably increase the expenses of subsistence; they are unfavourable to labour during a great part of the year, and they make it necessary to build better houses, and to wear warmer clothes; the badness of the roads, also, tends to raise the price of provisions. The price of labour here is higher than in the Ceded Districts or the Southern Provinces, but not apparently in proportion to the higher price of grain, which, however, is dearer at present than it has been for some years. The number of beggars, or persons who depend for support on the surplus means of the community, is perhaps one test of the circumstances of the people, and there are fewer beggars here, I think, than in the Madras districts.

All classes appear to gain by the conquest who had any thing to lose before it, with the exception perhaps of Shroffs and Brahmins. Adventurers, Pindarries, and rogues of all descriptions lose by the change of government.

CAPTAIN JAMES GRANT,

Dated the 30th April 1819.

To the Honourable M. Elphinstone, &c. &c. &c.

Captain Grant's Replies to Judicial Queries, 30 April 1819.

SIR: Sattara, 30th April 1819.

I have the honour to acknowledge the receipt of your letter of the 13th January, conveying a variety of queries as to the civil and criminal jurisprudence of the Mahrattas; their method of regulating the police; the present orders in force on that head; and some general questions as to the present character, disposition, and habits of the people in that country,

At Sattara you are aware that there are fewer opportunities of acquiring this sort of information than in almost any other part of the country. I have taken great pains to collect the very scanty materials to be now laid before you, but when we consider who the Mahrattas are, and how they rose into consequence, it is not surprising that we meet with total ignorance, contradictory assertions, and the most extraordinary opinions, in endeavouring to discover what are generally looked upon by the more intelligent part of the people as the rules of right in the administration of justice.

The origin of the state founded by Sewajee Bhoouslah was an irregular assemblage of armed persons under different leaders, drawn together with no higher motive than the prospect of plunder; and although Sewajee was their acknowledged head, each Sirdar punished his followers, or settled their disputes as he thought most expedient.

When Sewajee formally declared himself an independent sovereign, he appointed eight Purdhans, or ministers, to assist him in regulating the government. They were displaced at pleasure: but as the hand of authority became weak, they were neither removed nor supported; and though the nominal offices are considered hereditary, their duties were not carried on for a sufficient length of time to establish their exact powers, and to fix steady precedents for future advancement to more perfect order. Rules for institutions are easy, but persevering superintendence, and the support of strong authority, are necessary to render them stable and efficient.

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From the death of Sewajee until the period when Ballajee Wishwanath acquired the principal authority in the direction of affairs, there appears to have been the greatest anarchy in the civil government of the country.

What little order can be traced seems to have been upheld or established by the Peishwas; but the Mahrattas, even if they had understood the principles of good government, never had leisure for regular arrangement. They were always in hurry and confusion; it was their haste to which they owed all their successes; every thing depended upon expedition, and if they had taken time to consolidate their power they must have stopped short in the full tide of their conquests.

The late Peishwa had a better opportunity than any of his predecessors of amending the laws, or of fixing whatever was considered equitable by the generality of his subjects; but that prince possessed neither ability nor inclination for a task of the kind, we shall therefore look in vain for fair precedents and approved usages to the reign of Bajee Rao. Even the administration of Nana Furnaveese, corrupt and bad as it was, is now spoken of with applause; not that the bad practices of that period are unknown or forgotten, but Bajee Rao, with so much less excuse, was so much worse than Nana Furnaveese.

To remark, however, to you what Bajee Rao was is superfluous; but the course of events affords one useful lesson, and I cannot help thinking that had Bajee Rao been either more controlled or less supported by the British Government, he would have been a better prince, or at all events he would never have dared to commit any base acts which impunity in smaller crimes led him on to perpetrate.

From what I have learnt in the course of my inquiries respecting the Mahrattas, both now and formerly, I believe that their rulers and men in power have at all times been very corrupt; and though individuals are occasionally spoken of with high praise for their justice and impartiality, there never appears to have been any steady and uniform system. Every one in authority exercised judicial power to a certain extent, as far as his rank and consideration permitted: hence, if we say in England that wealth is another name for power, the remark, however applicable in all countries, may be reversed here, for authority under the late Government, and generally throughout the rise and progress of the Mahratta state, was a common source of nefarious emolument.

During the last twenty years matters in this respect were probably worse than at any former period. Bajee Rao raised mean men for disgraceful acts, and ruined respectable persons who had any value for their own honour and the fair reputation of their families; the decisions therefore, in most cases, depended on the will of unprincipled individuals, who cared little for public opinion, and who had few restraints either upon their caprice or their avarice.

The duties of the office called Nyaeedaish, were latterly exercised in Poona by a Shastree, who was appointed by Bajee Rao, with a considerable establishment. This establishment cost the Government nothing: there was no salary, and the whole was supported by emoluments neither authorized nor forbidden.

The first person who held this situation at the head of the Nyaeedaish was Ram Shastree. He was, I believe, appointed by the first Mahadeo Rao, whose character as an upright judge stands higher than that of any other Peishwa. But even after the death of his patron, Ram Shastree continued to uphold the duties of this situation with becoming dignity and high honour; his memory is revered throughout the country, and many of the good acts of Nana Furnaveese are believed to have originated in the weight and respectability of Ram Shastree's opinions. Such a public character under a corrupt government is beyond all praise, and a succession of such examples, even if they had stood alone in their generation, would have prevented the general debasement of morals which Bajee Rao and his court effected so rapidly in Poona.

Briefly, however, in regard to the matter now to be answered, Bajee Rao listened to no complaints, much less redressed them; every rich man and every man in office, however insignificant his place, assembled punchayets and decided civil suits. These decisions however were often reversed, or a new punchayet ordered

dered at the pleasure of any other greater man. The Nyaeedaish (Ball Shastree) did not interfere with the punchayet convened by any powerful man, lest a superior influence to his own should have occasioned the loss of his situation. Captain Grant's Replies to Judicial Queries.

I shall now endeavour to reply directly to your queries. The foregoing observations, which I otherwise should not have introduced, are merely stated in order to explain why I shall frequently have to mention rather what is generally considered right than what was the course of proceeding. *Deccan.*

Questions.	*Answers.*
1st. How was justice administered under the Peishwa's Government?	Very badly, as the above remarks will tend to explain.
2d. Were particular cases tried by the officers of Government, and particular ones referred to punchayets?	The officers of Government used, with the consent of parties, to decide petty causes, such as disputes regarding common small debts; and the Shastree, Mamlutdar, or person in authority, had power to judge of the propriety of assembling a punchayet or sending away the plaintiff; but it was unusual, and perfectly unauthorized, to decide on any important cause without the authority of a punchayet.
5th. How was a punchayet constituted?	When a complainant went to Poona, or when he was an inhabitant of the city, he applied to the Shastree, or to any man considered capable of assembling a punchayet. If the case was to be investigated, the person so applied to retained the affair for personal superintendence (especially if likely to be a profitable business), or gave it over to some friend to whom he delegated his authority; and latterly the person superintending appointed members as he thought fit. When the proceeding was fair, the members were chosen or approved by the parties. Punch (five) constitutes a punchayet; but though that is the common number, fifty people are sometimes assembled. It depends upon occasions where publicity is peculiarly necessary, such as fixing a disputed boundary, and the like.
6th. Who were eligible to sit?	Every man's punchayet ought, as far as possible, to be composed of persons of his own caste, trade, or situation, and this is customary when it can be attended to.
7th. Were great men ever members?	Yes, when great men were parties.
8th. Were there punchayets of Shastrees alone, and in what cases?	Yes, when Shastrees were parties, or when matters connected with religious infringements or observances were to be settled or discussed.
9th. How were members elected or appointed?	The parties ought to have the choice or approval of the members; an umpire to be given by Government, to whom neither party objects. (See answer to Question 5th.)
10th. How was a punchayet obtained?	By application to any one in power who would attend to the complaint.
11th. Was the consent of both parties necessary to one?	Indispensably necessary.
13th. Who was umpire?	He ought to be appointed with the consent of parties, and by the authority of the persons assembling the punchayet.
14th. Had they a Shastree along with them in cases of law; and if so, was his opinion of more weight than any other member?	In matters of religion, or in doubtful law cases, when the punchayet wished it, or when the superintendent, whether an officer of Government or any great man, considered the Shastree's opinion necessary, it was taken as to the law, but not as to the immediate cause at issue, unlessa me mber of the punchayet.

13th.

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Question.	*Answer.*
15th. How did punchayets procure the attendance of witnesses?	By calling them. If they refused to attend, one, two or more Sebundies or horsemen were sent to live at their

expense; if the witness was at a distance, he was summoned through the Mamlutdar of the district in which he resided. Government sometimes fined witnesses for non-attendance, but both parties and evidences were excused on account of sickness, or if attendance subjected them to the omission of any important religious observances, of such a nature as could not with propriety be dispensed with.

17th. Could they decide?	A punchayet could not decide *ex-parte*.
18th. How was their award drawn out? 19th. Did they recapitulate the arguments and evidence? 20th. Did it give reasons for their decision?	In the award of a punchayet the case was stated, the defendant's side of the question inserted, the substance of the evidence and the arguments (the sadek cadek) were enumerated, and the decision and the reasons for their opinion fully detailed.
21st. Where was the written award deposited?	If the punchayet was not held in Poona, but in one of the districts, the award was deposited in the district

cutcherry; if in the city or within the precints of Poona, it ought always to have been deposited. One of the Peishwas, I believe Mahadeo Rao, who probably did not consider it politic to take away at once the power from Sirdars, Jagheerdars, and other great men, of assembling punchayets, advanced a principal step towards it in rendering the whole subject to approval and confirmation; but in latter times the Shastree or great men deposited them in their dufters, and confirmed the award, or sarouch, themselves. Both parties could obtain copies if they chose to pay Carcoon fees, but the gainer always received what was called a doemal putr, or memorandum, stating the case and the final decree of the punchayet.

22d. Did it require confirmation, and from whom?	The decree was confirmed by the Mamlutdar or head of the district when in the country; in Poona it ought to have been confirmed by the Peishwa.
23d. Did any appeal lie from the award of a punchayet?	Appeals appear to have been very common, even after the confirmation by Government. An appeal was ad-

missible if the person appealing gave good reasons in his statement. When admitted, the course of proceeding was, he gave a paper, agreeing to submit to any penalty Government thought proper to impose: the cause was then revised; but more frequently a new punchayet was assembled. An unjust appeal was severely punished.

24th. How was a corrupt member punished, if at all?	I cannot find that a corrupt member was amenable to any express punishment.
25th. Were revisions ordered, and in what cases?	Revisions were ordered in cases of error of judgment.
26th. Were new punchayets ordered, and in what cases?	In cases of apparent wilful injustice, and in cases when more powerful persons chose to re-examine the proceedings.
27th. How was the attendance of members procured?	By application from the authority assembling the punchayet, or at the request of the parties. Attendance on

the part of members was not regularly enforced; members were called, more regular attendance was enjoined, but irregularity was not punished.

28th.

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Question.	*Answer.*
28th. How were they compelled to come to a decision; in other words, what means were taken to prevent delay?	Here appears to have always been the grand defect of punchayets; here is the greatest obstacle we have to encounter in amending the system. I do not mean merely in enforcing attendance, but in controlling the members in various ways, and placing efficient checks upon corruption; there was no compelling a decision unless by an oppressive stretch of power, or what was considered as such.
29th. Was it considered a compliment, or otherwise, to be selected as a member?	It was both flattering and profitable to be selected as a member of a punchayet.
30th, 31st, and 32d. Was there any fixee fee, or any not fixed, and who fixed it?	There was no fixed fee, but members took money generally from both parties; but if taken in a just cause it was avowed. Fees, therefore, were given at the pleasure of the parties. None now are allowed, and I am not aware that bribes have as yet been given in any case.
33d. Was a man obliged to be a member?	No.
34th. Or was he only obliged to attend after he had once consented?	After he had once consented he was obliged to attend; but this obligation was confined to injunction.
35th. How was attendance compelled?	See reply to Question 27th.
36th. Were the parties allowed to challenge members?	A punchayet is not reckoned fair unless the parties are allowed not only to appoint or approve of their own members in the first instance, but even to challenge them after the punchayet has proceeded for some time; but in order to prevent unnecessary delay in this respect, the party is obliged to prove his reasons for desiring the exchange of a member, and if the reasons be good they are admitted, if not they are set aside.
37th. How were punchayets managed in the country?	A district punchayet was the same as those assembled under the direct authority of the Peishwa, that is, the regular head of the district assembled, regulated, and confirmed them. A village punchayet was much more simple; there is no writing except the razeenamah of the plaintiff and defendant, and a memorandum of the sarouch kept by the Koolkurnee.
38th. Were they encouraged, or otherwise?	They were encouraged, because the suits from the villages were generally troublesome and unprofitable.
39th. Who assembled them?	Village punchayets were assembled by the head Potail or Mocuddum of the village.
40th. What was the power of the Potail?	He had power to call a punchayet or not, as he judged proper; he might assemble the punchayet, advise or admonish the parties. If parties were not satisfied with the Potail's opinion, or even with the decision of their townsmen, they might appeal to the Mamlutdar, or complain to the Shaikdar, who could advise the Potail, or report to the Mamlutdar. He had not the power of assembling a punchayet unless specially delegated by the head of the district.
41st. What is it now in this respect?	The same as before.
42d. Who were the members of country punchayets?	The more intelligent of the villagers; out-castes, and any low castes were excluded; they settled every

 thing

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Answer.

thing amongst themselves. Potails of other villages were called in as friendly arbitrators on occasions of recent disputes about wuttun rights, and when by long standing a formal punchayet became necessary, they were called in by the Mamlutdar to decide regularly.

Question.	*Answer.*
45th. How did the Potail compel the attendance of members?	The Potail could compel the attendance of members; if they did not choose to take an interest in the dispute, there was no regular mode of compulsion. The plaintiff was obliged to apply to higher authority or submit to his grievance, whether real or supposed.
46th. Of witnesses? 47th. Of parties?	The parties and witnesses were called by the Chowgullah, or the Chowgullah sent one of the Dhurs of the villages for that purpose.
48th. How did the Potail enforce his decrees?	When it became necessary to enforce a decree the losing party would appeal. The power of the Potail is considerable, but of course much of his influence must depend upon his character.
49th. Or by whom was he supported?	He was generally supported by the officers of Government, unless any thing oppressive or unjust was apparent in his conduct.
50th. What was the next judicial step to the Potail?	The regular step ought to have been to the Daispandee or Daismook, and from him to the Mamlutdar; but as the authority of Daismooks and Daispandees was latterly almost entirely set aside, the common course was to the Shaikdar, who either reported for the Mamlutdar's sanction, or sent the parties direct to the district cutcherry. The institution of Daismooks and Daispandees is probably very ancient, certainly before the Mussulman conquest. During the time of the Edolshahee dynasty they acted in the capacity of the Shaikdar of the present day, with some additional authority; they were immediately under the Mokassadar, who probably had also some percentage on the revenue. Mokassadars had the same authority as the present Mamlutdars, the office was frequently hereditary. Nargowndah or Sir-Patel, Desh Chowgullah, Surdesh Mookee, are Mahratta institutions. The last is a mere name for ten per cent. upon the revenue, the rest have specified duties never established.
51st. Was there any chain still higher up?	If parties chose to go to the Daismook and Daispandee those officers might assemble a punchayet.
52d. Had the Daismook, Daispandee, &c., any judicial authority?	It was very common for the Mamlutdar to send punchayets for their superintendence.
53d. Was there any regular appeals? 54th. And to whom?	The appeal was to the head of the district; the regular gradation of superintending authority for which the various officers were instituted was not preserved; it was however usual for the Shaikdar and Mamlutdar, on receiving a complaint from a villager, to ask him if he had applied to his Potail, and if he attended with or without his sanction.
55th. What is the public feeling regarding punchayets?	Some months ago when I had taken the opinions of complainants rather than the sense of the country, I was inclined to consider punchayets unpopular, and I could only reconcile the prejudices against the Adawlut, and intreaty of parties that I should settle

Answer.

settle their disputes, to their ignorance of what this formidable sounding Adawlut was; however, the people are tolerably well informed, and within this district I can now venture to affirm that punchayets are popular and the Adawlut the reverse; the regular attendance, the rigid rule, and, strange to say, the fixed and unalterable decisions are objected to. The punchayet is the old rule of the country: if well acted up to, it would be a grand arm against injustice and oppression. It is a very satisfactory and respectable testimonial of character to a man who gains his cause by the suffrage of his peers, and on the other hand, the loser is more fully satisfied, and is more likely to acknowledge the justice of his sentence, than if it had been given against him by the verdict of an individual. However much better our system may be (of which there can be little doubt), yet if the opinions of the country are so much against its introduction, it would surely be impolitic to attempt any radical alteration, particularly in the Rajah's country. The great difficulty in amending the system is to establish regular attendance in such a way as not be considered grievous: let the parties feel the essential benefit, and let the more respectable part of the community be convinced of the reason and utility of improving the punchayets, and steady, even persevering superintendence, will soon advance them towards perfection. Restraints must not be too suddenly imposed, but corruption, either on the part of members or parties, to be at first declared severely punishable. That punchayets should still be generally popular, notwithstanding the corruption and dishonesty which has been usually practised, clearly shews that there is much more good than evil resulting from them.

Question.	*Answer.*
61st. Is the attendance so much felt as to be grievous?	Regular attendance enforced is reckoned grievous.
62d. Does serving on punchayets give habits of litigation and chicane?	I am inclined to think that it does give habits of litigation. Brahmins possess just that sort of intelligence

likely to produce litigation; however, I have heard a Potail pride himself on having had a question at issue in his family for upwards of a century, and speaking very lightly of such of his forefathers as had allowed the affair to languish in their generation. In the hurry of business, when it is often impossible to attend to every complaint, some of the more impatient often endeavour to interest one in their cause by calling out they have a wuttun dispute of one hundred year's standing.

63d. What are the other modes of trying causes besides punchayets?	No other modes of trying causes: the Nyeedaish was established to superintend punchayets in all cases.
64th. Who were the judges in the town and country?	The great Jagheerdars had their Nyeedaish. I am indebted to Abajee Gonedoo, the Nyeedaish formerly in

the service of the Prithee Nidhee, for a considerable part of the information I am now detailing; he is a clear-headed sensible old man, and I was at pains to find him out in the obscurity in which he now lives at Waee, in consequence of accidentally hearing his opinion quoted, and afterwards finding that he was generally considered the ablest punchayetee in the country now alive.

Ball Shastree acted as Nyeedaish in Poona; he had ten or twelve Carcoons and a party of Sibundees on his establishment. When any trifling complaint came it was inquired into and adjusted by some of these Carcoons; but in case of wuttun disputes, or any cause of consequence, a punchayet was assembled. Latterly, the person on the part of Government had every thing to say; it was not necessary that the Superintendent, or umpire, should be a Government servant, but the plan was to give it to some friend of Ball Shastree; when the parties were plundered in due form. Each party said what he could give and how much he could pay down. In a just cause it was lawful and proper to take fees, and, of course, amongst such people he who paid most had the best cause.

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Question.	*Answer.*
65th. What was the power of great and small Jagheerdars?	Great and small Jagheerdars had the power of assembling punchayets. If a complaint came against a small Jagheerdar the complaint was inquired into by any great man, Maunkaiser, Gohla, &c. &c., but no notice was taken of any thing done by a great Jagheerdar within his own jagheer.
66th. Of Enamdars?	Enamdars exercised the same sort of power as the small Jagheerdars.
67th. Were there any regular courts?	There was generally a Nyeedaish on the establishment of every great Jagheerdar, for the purpose of superintending punchayets.
69th. How named?	By the Peishwa in Poona, by the Jagheerdar in his own territory.
70th. Where held?	In the capital of the territory.
71st. What were the forms of pleading? 72d. Were there any written pleadings, and what was the course from the commencement to the decision? 73d. What was the punishment of false accusation?	The plaintiff on coming forward with his petition was questioned regarding the complaint, and if there appeared any just ground he was desired to give in a written statement (his zubanee); a Sibundee, or a horseman, was then despatched to call the defendant. Mussalah (a ready-money exaction) was frequently levied on the person complained against in the first instance, and he invariably had to subsist the Sibundee, or the horseman, until he came before the court. He was on appearing there asked if the complaint alleged against him was just; if he said it was not, he was desired to make out his zubanee, and the punchayet on being assembled proceeded first to question the plaintiff, and then the defendant. This is their first examination upon their statements, and whoever is or acts as plaintiff and defendant, must be placed so that their friends can give them no assistance in the answers. The punchayet then confronts them, and questions them on the replies each gave to the other: this is called the roojooat. Evidence was then called, and the witnesses were questioned in a variety of ways, and often for many days. The members of the punchayet do not judge entirely by the words in evidence, and some of them accustomed to such examinations are very expert; they seem to take it for granted that the witness, if he has any reason for concealment, will not tell the truth, they therefore try to find out what that reason can be. Before, however, the evidence was called, in addition to the zubanee there was a razeenamah taken from the parties, agreeing to abide by the decision of the punchayet; upon this razeenamah, which might also be considered a penalty bond, the parties were obliged to find security, which was called wurtunook zamin, and this bound the security to cause the loser to abide by the punchayet's decree, and for which he likewise gave a razeenamah, agreeing to cause the fulfilment of these conditions, otherwise to be amenable to tugazu, fine and imprisonment at the pleasure of Government. Maulzamin, or security in real property, was also given in cases when money was in dispute, binding down the person becoming security to pay up the amount at issue in case the party whose side be espoused should he cast.

After the testimony of an evidence had been given, and when he had been cross-examined in all ways, the substance of his evidence was taken down, and he subscribed to it; but after all this the punchayet again cross-questions him upon the written evidence.

When all evidence for both parties had been examined, the punchayet consulted and talked over their proceedings, and finally closed them, every member putting his signature to the sarouch. It was frequently usual to make the losing party give a khot putr, or admission of the justice of the decree

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Answer.

decree given against him. This was no doubt intended to prevent appeals, but it does not appear to have had the desired effect.

Question.	*Answer.*
74th. What was the form of process in all cases before Judges or punchayets?	This has been pretty fully answered above. The whole was conducted by punchayets, whoever superintended, and the form of process was always, I fancy, much the same.
75th. Were Vakeels allowed?	Great men were allowed to send their Vakeels; any man might send his Carcoon.
76th. Is it a trade? Did relations and common Carcoons practise it?	It is not a trade; relations and common Carcoons could do the business when necessary.
77th. Would much inconvenience result from prohibiting the employment of Vakeels?	It would not only be considered an inconvenience, but occasion great discontent amongst the higher classes.
78th. Were the friends of the parties allowed to be present at trials, or was the court open?	When the cross-examinations upon the zubanee, that is the first statement, was going forward, no one was allowed to be near the parties. The original first statement might be written for them, but they must be examined on each point if they chose to plead or to defend their own cause; but when a person considered himself incapable of answering, he might as a party depute his Carcoon. The court was open, and after the first examination touching the original statement was over, friends and even by-standers might assist either party.
79th. How were defendants summoned?	See answer to number 71. Mussalah was not levied in the first instance from persons residing in the town where the Nyaeedaish was; nor was it taken from rich men, nor in any very trifling case. In the event of pertinacious resistance, fines were imposed at the pleasure of Government.
80th. How witnesses?	(See answer to Question 71st.)
81st. In what cases did judgment go by default?	It was contrary to the custom of the country; judgment never went by default: some relation, friend, or Carcoon was brought to stand up as a party.
82d. Were great men obliged to attend as defendants?	No, they might send Vakeels.
83d. As witnesses?	No, not often; a Carcoon with one or more members of the punchayet were sent to his house to take down his evidence in writing, and this mode was adopted in many cases when attendance was likely to produce serious loss or inconvenience.
84th. If they did not attend, how was their evidence procured?	As I have stated.
85th. Was giving evidence in itself considered degrading, or only from its requiring attendance?	Only in its requiring attendance, provided no oath was requisite; and if the Peishwa or the head authority in the district sat in judgment, the attendance was not degrading.
86th. Was evidence always taken down?	Not always, but the substance of each evidence was generally inserted in the sarouch. The nature of our evidence

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Answer.

evidence and their's is so totally different, that when every answer is taken down we often should find it impossible to decide, when a native member of a punchayet sees clearly how the matter stands; and though he decides upon the evidence that has been brought forward, it is more the manner than the matter which influences his judgment, and a knowledge of the connexion or enmity between parties and witnesses.

Question.	*Answer.*
87th. Were oaths required in civil and criminal cases?	Great men were not required to make oath, nor even common people, unless a party required them to do so; but this the party frequently did in wuttun disputes, and indeed in all cases of importance.
88th. What were they, and how administered?	Administered by a Brahmin; the common oaths are by the bel-bandar, that is, the leaves of the bel tree; and turmeric (held very sacred by the Mahrattas); toolsee leaves; the waters of the Kistna, Godavery, or Ganges; laying the hand upon a cow, or holding her tail; standing in any of the rivers above-mentioned, or giving evidence after having just bathed in them. Swearing by the feet of a Brahmin, or carrying one's own child to a temple and solemnly swearing by his head, are the most binding; common swearing, by one's father or mother, is frequently made to any promise. Ordeals were not unfrequent in order to establish innocence or veracity, as taking a ring from burning oil without being scalded. The ordeal of the dusrut punchrat, that is, if for so many days any one of the person's family or any of his cattle or domestic animals should fall sick or die, then was his cause or evidence false.
89th. How was perjury punished?	Perjury was not punished, but a man on being doubted was almost bound to undergo the ordeal of the dusrut punchrat; when, if any of his cattle died, his evidence was set aside.
90th. What oaths are most binding?	See Answer 88th.
91st. Are oaths much regarded?	They are not much regarded. I think the only efficient check on perjury, in the present state of the country, would be a heavy fine of some stated proportion of the evidence's whole property.
92d. Did a suitor pay any fee to the Government, and what?	It was customary for the plaintiff, in latter times, to promise so much to Government upon his preferring his petition. The defendant also paid, but there was nothing fixed, each according to his ability or inclination; the person also who gained the suit had to pay hurkee (or joy money), and the loser paid a fine (called the kund gonagaree), according to his ability and the pleasure of Government.
94th. How were defendants and witnesses subsisted if kept away from their villages on a trial?	Witnesses were generally subsisted by the parties. The plaintiff in an unjust cause was bound to make good the expenses of the defendant when the defendant was a poor man. A rich man as defendant received no recompense, but Government fined the unjust complainant on such occasions according to its pleasure.
95th. How were disputes about succession settled?	By punchayets.
96th. If by punchayets, of whom did they consist?	Of persons supposed to be best informed on the subject at issue.
97th. How were boundary disputes settled?	A boundary dispute was settled by assembling the Potail and Ryots of neighbouring villages, from twenty to one

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Answer.

one hundred. The disputing villages subsisted the whole of the persons called in. The Dhurs or Mhows of the villages have a great deal to say respecting bounds and landmarks, as it is one of their duties to take care that they are carefully preserved. When the assembled members can come to no decision, it is a common way of settling the dispute to cause a Dhur, after undergoing certain ceremonies, to take a pot of earth on his head and walk along the exact boundary. If he do this barefooted without limping, or being pricked by them, the village to which he belongs receives the disputed land; if, on the other hand, he stop, shrink, or limp, the opposite party are declared the rightful owners.

Question.	*Answer.*
98th. Were they frequent?	Yes very frequent: they are at present numerous. Large tracts of land lie uncultivated in consequence; and I have been obliged to issue a proclamation, directing all villages having disputed boundaries to come forward and make application for punchayets as soon as possible, otherwise I have declared that at the end of the present year I will cause the villages disputing to pay up jointly the revenue of all land lying uncultivated in consequence of their disputes. This, however, I now see I shall not be able to enforce for perhaps a season or two.
99th. How were disputes about caste settled?	By the castes themselves; if the complaint was made to Government, a punchayet of a few respectable men of the caste was called.
100th. Are there any heads of castes who settled disputes?	There are heads rather of trades and professions than of castes, who settled disputes; but there are properly no heads of castes.
101st. Or is it done by punchayets?	When an affair could not be settled by respectable persons in the caste, it was referred to a punchayet for decision.
102d. Who summon these?	Sometimes Government, sometimes the Chrowdry, a Mocuddum of the caste. In cases of this kind it was not unfrequent to send such punchayets to be superintended by a Shastree.
103d. What regulations are they under?	When a Brahmin committed a crime or infringement of a serious nature, cognizable by the rules of caste, the complaint against him was made to the Government; if, in similar circumstances, any other person was complained against, to the head of the caste or trade, the Chowdry, Potail, Mocuddum, or whatever he may be locally styled. These heads of castes or professions are not regularly elected: the general suffrage establishes the power by the weight or respectability of the individual so chosen.
104th. Does the Government interfere, and how far?	The Government can interfere; but never so far as to compel a caste to alter a decision, unless by a decree of a respectable punchayet of the same caste, who may esteem the reasons for interference right and proper.
105th. Did the Government ever listen to complaints for wrongful expulsion from the caste?	As a general opinion, a caste are said to be the best judges of what persons are fit or otherwise to remain in it; but native governments, I find, have not been so tolerant in this respect as I had imagined. Government has an undoubted right to take cognizance of wrongful expulsion from caste, and can punish a false informant, or persons who have given an unjust or malicious decision in an affair of the kind; but the Government, could

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could not do this of itself, it is necessary to have respectable and disinterested persons of the same caste, brought from whatever quarter, to reverse the decree.

In an affair of caste where the delinquent may be partially to blame, the Government can compel the caste to accept of the usual prascheet (atonement by fine or penance) for the offence, if of a less heinous nature than that which is usually punishable by expulsion.

Question.

106th. How did a poor man recover a debt or obtain redress from a rich or powerful man?

Answer.

A creditor had the debtor a good deal in his power, although the former might be poor and the latter rich. The military classes of the people in the Mahratta country are almost always in debt, and often depending on their Soocar or Moody for their day's subsistence. The greatest man is often most dependent in this respect, and the owner of thousands is obliged to solicit subsistence for himself and his household. The way of recovering a debt was first to send a simple dun, or application for money due; then to place a tukkaza, consisting of one or more persons, at the door of the great man or debtor, and these persons so placed must by the invariable rule of the country be subsisted by the debtor, he is bound in honour to do so. There were persons who practised tukkaza as a trade, and hired themselves out for that purpose; they followed the debtor wherever he went, they salaamed to him, fell at his feet, and sometimes insolently demanded payment for their employers, at times when the debtor was most anxious to be rid of them; sometimes the creditor, if he thought himself equal to the task, would sit in durna to enforce a settlement.

A poor man who could not afford to pay a tukkaza used to sit as such himself. He could call up his debtor when he knew he was asleep; and a rich man was generally very careful not to strike a tukkaza, because the Government had then the right of exacting a very heavy penalty, which the debtor knew they only sought an opportunity to enforce. Sometimes the poor man would get the whole of his caste to make common cause, and pursue the demand upon the debtor; there were hundreds of stratagems practised, and a rich man had good cause to dread and to avoid a tukkaza.

107th. If there was no resourse for a poor man against a powerful man, what prevented the utmost oppression, such as was certainly not exercised in this country?

108th. What protected him in towns? What protected him in villages?

The above will partly answer these questions in regard to the mere contracting of debts; but oppression and protection are words of a wider signification. The observation which is contained in the query is pretty generally admitted, and I have heard it accounted for in a variety of ways, and sometimes in a manner far more creditable to the persons in power than I see any reason to admit. The sort of oppression commonly practised was exaction, and in this may be seen a strong feature of Brahmin character. The Mahratta's heedless violence prompts him to rash acts, but he has no real vigour, and any well-timed check prevents his perseverance, either in oppression or resistance. But it certainly was the dread of the Mahratta soldiery which prevented the revenue contractors in this part of the country from committing the utmost oppression. In all parts where the villagers are composed of a portion of the soldiery, less oppression has been exercised than in those where there are more Ryots.

The distance from the seat of Government has been given as a reason for the oppression in Guzerat and in the Carnatic, but I am inclined to think the real reason may be found in the observation I have offered.

109th. How far did dependence on great men, or connexions with their dependents, protect people?

As far as the influence of the great man went, and the interest he took in extending his protection.

110th.

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Question.	*Answer.*
110th to 117th. query.	These eight queries have all been answered either in the preliminary remarks or in former replies.
118th. Was imprisonment for debt practised?	Yes, but only when the debtor had agreed to it as a part of his bond.
119th. Were any obliged to serve their creditors, and who?	Those who gave a bond to that effect.
120th. Were children and families kept as hostages for debts?	Yes, frequently.
121st. Were bankrupts set free from all their debts?	No, the debts were still due; simple insolvency constituted a bankruptcy,
122d. and 123d.	and there was no punishment for fraudulent bankruptcy except a loss of credit.
124th. What seem to have been the great subjects of litigation?	Hereditary property.
125th. Are any new ones appearing since the introduction of our Government?	I am not aware of any new subjects; but the complaints are so numerous that it would be quite impossible for the Mamlutdar and his whole establishment to pay due attention to all that are brought forward, if he had nothing else to attend to. Disputes of fifty and one hundred years' standing, frivolous matters magnified into the most serious complaints, every thing the most trivial that can be imagined, is brought forward, and if not instantly heard, away they come to Sattara. If not attended to the very first day, which is frequently quite impossible, they watch Mr. Barnett or me when going out at day-light, and often fall down on their faces in a crowd from ten to thirty, all calling out *Maza furccad* (I have a complaint), that the Mamlutdar has seized their field; that they have a complaint to make to the Mamlutdar, but he has kept them forty days sitting at his cutcherry without attending to them; and a variety of such like stories, which are generally totally without foundation, and merely mentioned in order to call one's attention to the trifling thing which is the real cause of complaint.

The Mamlutdars, even if they were expert men of business, have too much to do, consequently every thing will not be done well for a year or two. Some very sensible people have told me that the Mamlutdars abuse their power of assembling punchayets, by granting them too readily and without a proper previous inquiry; that to grant a punchayet was considered in some degree as an admission on the part of Government of the justness of the plaintiff's cause, and that when once granted it ought not to be lightly set aside; that disputes long set at rest were now received as recent cases, never settled by the former Government, because Mamlutdars, in the hurry of business, could only go upon what was directly asserted, or the vouchers immediately produced. But, though there is reason in this which merits consideration, I am doubtful whether more harm would not be produced by giving Mamlutdars too strict a prohibition, and too great a license in not assembling punchayets; but this can be considered when the proposed regulations respecting amended punchayets are issued. At present I am desirous of postponing all attempts at the correction or amendment of punchayets until I have more leisure, and receive your instructions respecting them; if I do any thing I may have future occasion to wish it undone, and therefore I am anxious to have either your orders or authority before I commence. Adverting to my reply to Query 55th and the five succeeding questions, in regard to amending punchayets, it can only be managed in a time of leisure, when one has command of his own time. Its success will depend much on the address by which it is introduced, and must be brought about by calling parties of the more sensible and respectable natives together, representing the

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the faults of the system, asking their advice, and adopting it where it appears judicious; conversing and reasoning with them with good-humour, and some degree of deference, until they are fully convinced of the propriety and necessity of imposing some rules for obliging members of punchayets to be more regular in their attendance.

When we have got thus far it will be a grand point, but even after the restraints shall have been declared, they must be imposed cautiously; the amendment must be gradual, and carry public opinion along with it, otherwise, however beneficial it may be really proved, the attendance will be reckoned grievous. It appears to me that parties ought to have the right of approving of the members of the punchayet, but not the power of each bringing two; the present plan is, in fact, merely bringing in two additional parties on each side, the whole decision resting with one man, the fifth or umpire. I would therefore propose that a list of persons supposed capable of acting as members of a punchayet be kept, both in the town and country, and the parties have the option of choosing two in six or eight names given to them indiscriminately; as much care as possible to be taken by Government to submit a list of impartial persons for the parties to choose from.

All natives, with hundreds of whom I have conversed on the subject, seem to think that the members of a punchayet must be remunerated in some way or other; and I am of the same opinion, because, punchayets under any regulation will take up a vast deal of time. But what to recommend, that is not very objectionable, I am quite at a loss, as I can see no better plan than that of allowing them a per-centage, to be paid generally by the losing party, and in some cases by both parties. In matters of precedence, or where no real property is in dispute, a fine to be imposed on the losing party at the pleasure of Government, or according to some specified scale, otherwise there will be no end to suits of this nature. I would then take a bond from the members of the punchayet, in which they should agree to decide fairly; to take no bribes, directly or indirectly, either now or at any future period; in failure of which they should be liable to a heavy fine in proportion to the importance of the suit.

126th. Was there any code of laws or any law book of acknowledged authority?

The Shasters.

127th. If, as seems to have been the case, the Mahratta practice differs from the Hindoo law, how was the difference introduced by the Mahommedans?

The Mahrattas adopted many of the customs they found in the country they had conquered; but I do not know the differences between the Hindoo law and the Mahratta usage, nor could a party of Shastrees assembled at Waee give me the information I sought for.

128th. Are Mahomedans allowed the benefit of their own law, either in civil or criminal cases?

If the case relates to their religion, or if there be a suit between Mahomedans, they have the benefit of their own law; but in a dispute with any other caste, or in any infringement of the laws of the country, the Mahomedan was punished according to Mahratta usage.

Criminal Justice.

1st. By whom was criminal justice ministered?

By Government; by an officer specially appointed to take cognizance of all crimes, and to inflict punishments, in and about the city of Poona. In the districts by the Sirsoobadar, the Soobadar, or Mamlutdar, and the Potail.

2d. What were the limits (whether defined or otherwise) of the power of each person concerned in the administration of it?

To begin with the Potail. Owing to the mode of collecting the revenue latterly practised, the Potail exercised extraordinary power; he used to fine and

Question.	*Answer.*
3d. Who had the power of life or death?	and confine, and though this was not expressly authorized, it was tolerated because it was expedient. The Potail
4th. Who had cognizance of serious crimes, not capital?	held an under contract, and was responsible for the revenue of his village to the person farming the district.

The Shaikdar was a mere agent, having no judicial power excepting by express orders from his superiors; on a particular point he could advise or recommend, but not act without orders, excepting in revenue matters and aiding the police.

The Mamlutdar, Soobadar, or Sirsoobadar of a distant province had power of life and death.

The Uthawics Mehal, Ahmedabad, Candeish, and the Carnatic are the tracts which are here meant as the distant provinces. In Kallian Bewndy, the Southern Concan, and the whole space from the Godavery to the Kistna, the Mamlutdars were obliged to report the circumstances before the execution of a criminal, and to receive the Peishwa's orders on the subject. But to this Ramoosees, Bheels and Maungs were exceptions; they were sometimes put to death with very little ceremony. But a punchayet was generally assembled to establish the fact of guilt or innocence, though in the case of the three castes above-mentioned, confession, so necessary in regard to all other castes, was not always essential to conviction; or if so, the rule was often infringed upon. The general prohibition I have mentioned, in regard to the country between the Godavery and Kistna, appears to have been very little attended to in this part of the country, for which the Ramoossee insurrection and the Prithee Nidhee's rebellion no doubt furnished some excuse latterly in the Southern Concan. The Mamlutdar executed criminals without any reference to Poona.

5th. Who of petty causes, assault, abusive language, calumny?	The head of the police in Poona, and the Mamlutdars, &c. of the districts; a punchayet might or might not be assembled on such occasions.

The Potails of villages, even the Shaikdars, advised, made up, and settled these kind of things; the Potail could punish for trifling offences without any reference.

6th. What were the punishments of each crime; murder, treason, theft, robbery, rape, &c.?	It was a common saying among Mahrattas, "I do not care for the "expense, I will pay the three hun-"dred and fifty rupees, but will mur-

"der him." Three hundred and fifty rupees was the price of murder, but there were many exceptions to this rule. If a poor man killed a rich or powerful man, he was put to death. If a poor man killed his equal and could not pay three hundred and fifty rupees, either to Government or to the relations of the deceased, as might be settled, he was deprived of a limb, or of an ear or an eye, or branded with a red hot iron; and if the circumstances were atrocious, he was put to death. If a rich man killed a poor man, he paid the fine and was absolved. To murder a Brahmin is an atrocious sin in the eye of the Hindoo law: but there is little reverence for Brahmin character, and if a rich man murdered a poor Brahmin, he would be let off by paying a fine, even by the Brahmin Government.

The punishment of treason was death. Theft and robbery were punished in degree, from a few days' confinement, or a few stripes with a martingale, to perpetual confinement or death.

The punishment of rape, if committed on the wife or daughter of a Brahmin, was death; in other cases the loss of life, limb, or member, according to circumstances.

A Brahmin's punishment for an inexpiable offence was confinement for life; he was never deprived of life or limb.

Women

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Women, when put to death, were thrown into deep water with a stone about their necks. Such punishments, however, were unusual, but all castes not Brahmins might have the breast or nose cut off.

Previous to any punishment for great crimes, exposure on an ass was generally directed in the sentence.

Question.	*Answer.*
7th. Were they regulated by Hindoo law or by custom?	By custom, founded on what was supposed to be the law.
8th. Were there any forms of trial in criminal cases?	Yes.
9th. Were punchayets used?	Punchayets were used, and on those occasions were chosen and assembled by the person at the head of the police or at the head of the district.
10th. Were Shastrees consulted, and on what subject?	Seldom consulted; custom was oftener referred to than the Shastrees.
11th. Who tried offences against morals, adultery, fornication, drunkenness, &c.?	In towns the head of the police, the Kotwall; in villages, the Potail. Bajee Rao was a great enemy to drunkenness, and enjoined the officers of police to punish this offence with severity.
12th. Were there any punishments for these?	Besides the punishments imposed by castes there were fines and public exposures; public exposure, however, is not popular as I at first thought, quite the contrary; nor is it considered judicious.
13th. Were they tried by the caste, and if so, how were they punished?	The caste could expel persons for such offences; they could not fine, but they could take the practreel, or atonement for the offence, which restored the culprit to his former consideration.
14th Was the confirmation of Government required to the decisions of caste?	I believe not, nor were any but important decisions reported to Government.
15th. What were the usual modes of execution for all crimes?	Tying to the foot of an elephant, hanging, blowing from a gun, beheading or cutting down with a sword, shooting with arrows, tearing with hot pincers, and (to women) drowning.

When criminals were deprived of a finger, breast, nose, or limb, they were left on the spot; but people were not prevented from administering to their assistance.

16th. What of imprisonment?	In hill forts, sometimes solitary confinement for life. Food was given or withheld, according to circumstances; unwholesome food and an unhealthy situation were frequently selected for Brahmin offenders, but as a general rule, good or inferior food was furnished according to the rank of the prisoner.

Police.

The Mahrattas advanced farther in improving their police than in any other institution necessary to civil government. This was natural, not only because the first step towards order is the regulation of the inhabitants of the country, but because they were able to carry a part of their system to their camp, and thus became experienced in the mode of carrying it on with efficiency.

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The former chain under the Mahomedan Government appears to have been the Watchman, the Potail, the Daismook, the Mokassadar, the Soobah, and the Sovereign.

Until the establishment of the power of the Peishwas the police was not attended to: murders unatoned, and the most daring robberies perpetrated with impunity in open day, were common incidents. The checks imposed on such outrages by Ballajee Wishwanath, and his successor, Bajee Rao Bullal, reconciled many persons to this form of government who were before inimical to the administration of the Peishwas.

The police of the city of Poona under the late Government was certainly very efficient even to the last; it owed its institution to Ballajee Bajee Rao (or Nana Sahib), but was greatly improved by his successor Maha Dew Rao, the fourth Peishwa. There was an officer appointed whose sole duty was to superintend the police; he had a large establishment, consisting of some horse and a considerable body of Sebundies. Chowkies were placed in and about the city, parties of horse patrolled outside, and there were frequent rounds of Sebundies going inside the town during the night; a gun was fired at eleven o'clock, after which no person could stir out of their houses unattended by particular Peons until four o'clock in the morning, when, on another signal gun, the restriction ceased. There were Ramoossees employed who became answerable for all thefts, and who were bound to restore the property or to pay its value.

The office of Kotwal was independent of the head Police Superintendent, and communicated direct with the ministers or the Peishwa. The Kotwal had power to settle trifling disputes and to redress petty grievances; he superintended bazars, inspected weights and measures, and all musicians, kusbens, barbers, and such kind of people, were under his immediate regulation and orders.

There was an establishment kept up for cleaning and watering the streets, paid by a regular cess upon householders, which was termed kurputtee; this beneficial regulation was made by the late Peishwa.

Until the time of Bajee Rao officers of districts had charge of the police in their respective divisions, but upon the introduction of the farming system the superintendence of police was not entrusted to the revenue contractors. Officers were appointed to the charge of the police within specified limits, and were supposed to keep up the necessary establishment of Peons and Ramoossees: the appellation of this new authority was Tupusneese.

The plan was well conceived, and with proper management might have proved a powerful restraint on the unjust and oppressive acts which a bad revenue system was likely to occasion; but vigilant superintendence in the Government, and able conduct in its officers, would have been necessary to mould it into efficiency.

As it was, the office of Tupusneese was begun by contract and so carried on; it soon became a source of corruption and embezzlement within itself, as well as a grievous addition to the leaders of the people. The Tupusneese discharged as many of the Peons as he possibly could, or kept them subsisting in the villages, and in general appears to have encouraged rather than to have prevented thieving.

When a thief was apprehended he was punished if he could not pay for his ransom; and if he had property, as much was taken from him as could be got. But this was not the most profitable way of proceeding; the escape of the thief was generally connived at, and the Potails of the villages in the neighbourhood of the place where a robbery had been committed were, on pretence of assisting or conniving, seized and compelled to pay up the amount of the property stolen: not that the Tupusneese ever restored the property so received when he could possibly avoid it; the terms of his contract bound him down to do so, but he generally contrived to evade payment.

The present police in this district is in a fair train of becoming efficient, provided it be persevered in. Order and arrangement in a country long ill governed, and

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and where there is a very large portion of the soldiery, are not to be expected in a few months. Writing orders and publishing proclamations is the first step; time, experience, and vigilance must do the rest. The general opinion of the country is, that the police was never before so good as it now is, even in the best times of the former Government. There is, certainly, great appearance of settlement and quiet amongst the people, an appearance which extends even to Yelgoom, the village in which I am at this moment writing, and long known as the most notorious for harbouring the common banditti of the country.

I shall proceed to detail all the steps I have taken in addition to the particular orders contained in your circular letters, which, it is to be understood, where not expressly repeated, have always been immediately acted upon.

At Sattara there was no police excepting the Sebundies of the garrison, but there were the hereditary Shuiter Mahajun and Kotwal. The duties of the Shuiter Mahajun are to assist in regulating the bazar: I re-established them the first day. The Kotwal's office I at first did not restore, for reasons which are obvious; he received his hug upon the customs, amounting to seventy rupees annually, but I made one of my own Carcoons perform the duties of the situation for some time, until I found the hereditary Kotwal was capable, and in other respects a tolerably fit person, when I appointed him to the situation at the Rajah's recommendation.

Chowkies had been placed round the town according to your or to Wittul Punt Furnaveese, in the month of February 1818, and there was no occasion to alter the situations the Furnaveese had chosen. There was a Soobadar placed in charge of the whole; a gun was fired at ten o'clock at night, and an hour before daylight in the morning. In other respects, the Poona system was adopted, with rounds of patrol, &c.; it now goes on as regularly as possible, and does not on an average take up five minutes of the day. I was at first obliged to entertain Ramoossees on the old footing of paying up the property stolen, as I could not then effect what has since been accomplished.

The country under my charge is divided into fourteen pergunnahs. Mamlutdars have charge of the police in their divisions, and have all the superintendence which Mamlutdars had in the best times of the former Government, but without the power of punishing beyond a fine of two rupees, or by confinement for two days, as when further punishment is necessary the culprit is sent to Sattara.

Each Mamlutdar has a body of Sebundies at his command, and some have parties of horse at their requisition. The Shaikdars commonly have some of the Sebundies with them in the different kusbahs or market towns, and have instructions to afford every aid in their power in protecting the neighbouring villages or in apprehending criminals.

The authority of the Daismook has long been set aside, for which I imagine there may have been good reasons.

There were no Mokassadars after the accession of Sewajee; their police duties appear to have been the same as those of our Mamlutdars, with the additional authority allowed or usurped under native Governments.

The Potail is the head authority of his village; his immediate police assistants are, the Chowgullah, the Dhur, the Maung, or the Ramoossee. The whole of these are paid by the village, in land, in money, or in kind. The value of this annual payment is so various that its average rates cannot be stated; that of the watchman, which is particularly called for, may be from twenty to a hundred rupees, but that ranges from five to a hundred and fifty rupees.

The Chowgullah is a Mahratta; his duties are to assist the Potail in every way.

The Dhur or Mhow has various important duties to perform; he is the scout, the guide; cleans travellers' horses, carries their baggage to the next village, and conveys government letters, parcels, or even money, with great care, fidelity, and despatch. The Dhur is also sometimes the village rukh wallee, a watchman, and has always particular charge of village boundaries.

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The watchmen of villages, however, commonly are either Ramoossees or Maungs. In addition to the care of the villagers' property the watchman is bound to attend to all travellers arriving in the night, to watch by them whilst they sleep, or if they wish to go on, and have any reason to be alarmed, he is obliged to see them safe to the next village. In case of a theft, the watchman traces the footsteps, and when the footsteps of a thief are brought to the village, he must trace them to the next village or find out the culprit in his own. The nature of his duties affords an opportunity of becoming intimately acquainted with the private characters of his neighbours, and of detecting the offender on such occasions. The watchman gets little presents from the villagers in a variety of ways, and it is always reckoned wise to conciliate him, so that on the whole his situation is comfortable.

Watchmen are required in many villages where they do not exist; Potails have applied for them in a variety of instances, and I have directed their request to be complied with; but it will depend on more perfect information whether I shall order other Potails to entertain them, which will be best ascertained by personal observation, and by consulting with the Ryots of the villages alluded to.

When footsteps have been traced to a village and the offender is not discovered, the village becomes responsible; but it appears to have been reckoned grievous being obliged to pay up the amount, because it was so often improperly exacted that there was no confidence in the justice of the demand.

Independent of the Dhurs, Maungs and Ramoossees, for whom there is a provision on the village establishments, there are numbers who are obliged to seek a subsistence in some other ways.

The Dhurs (or as they are generally termed in this part of the country Mhows) seek a livelihood as labourers; some enlist in the infantry battalions, and numbers are employed as horse-keepers; they are very active people, and fully as intelligent as the Ramoossees, though not so warlike or so much united.

The unemployed Maungs and Ramoossees depend on thieving for their subsistence. The Ramoossees in some respects resemble the Bheels of other parts of India; but their language, though differing in some respects from common Mahrattas, is not like that of the Bheels, distinct from what is generally spoken in the country. A Ramoossee will not promise protection and forfeit his word; a Maung will promise in order to betray, and is at all times a willing and ready assassin. The Maung is the lowest of all outcasts.

Sewajee, in whose reign there was neither opportunity nor leisure for establishing a regular police, and whose plans could extend to little beyond invasion or resistance, made arrangements for garrisoning his forts by granting lands to his sepoys in the neighbourhood of all such places. These sepoys were termed Ghurkurrees, and a part of each garrison consisted of Ramoossees and Mhows: the former in such circumstances are termed Berud, and the latter Metkurree.

When Bajee Rao resumed the lands of the Ghurkurrees, which he did in most instances, some Ramoossees were deprived of subsistence; this made them inimical to Government, and in some cases desperate. However, the most active Ramoossees in the late insurrection were not of the Berad Rukh Wallee, or garrison Ramoossees: a large proportion of these remained as peaceable cultivators, chained by the habits they had insensibly acquired, and paid the revenue with tolerable regularity; they robbed occasionally to make it good, which they always gave as an excuse when detected.

To effect some settlement with the Ramoossees I should have considered an essential part of my duty, even if not so particularly directed in my instructions; but it was necessary to time this arrangement properly, and bring it about as a measure not only for their benefit, but to aid the Government in a proper system of preventive police, so that they might not think themselves of too much consequence.

I there-

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I therefore took an opportunity of gradually becoming acquainted with the principal Naicks, conversed with them respecting their present state, how they had been employed, what they looked to as an improvement to their condition, and finally summoned the whole of the Naicks to meet me at Sattara on a certain day; those I knew personally attended punctually, some of the others were alarmed, and did not appear until repeatedly summoned by the Mamlutdars of their districts.

The great object in regard to both Maungs and Ramoossees is, of course, to reclaim their habits, and I have taken care to afford no employment so profitable as that which will be found in the encouragement I have held out to their becoming cultivators.

By reason of their inexperience, and the power reserved of calling upon them to afford aid in police arrangements, I have directed that all Ramoossees who choose to enter the service of Government shall be entitled to receive istawa cowls of ten years' duration, when they would be granted to Koonbees for only five; the cowl so granted is, however, not to exceed the quantity of land which one man may be supposed capable of cultivating. A sufficient advance of money, without the charge of interest, is to be made upon any tolerable security, in order to purchase cattle and implements of husbandry.

Naicks of Ramoossees or Maungs are appointed to each division; these Naicks have, in addition to whatever hereditary land or money they enjoy from villages and other establishments, seven rupees of monthly pay from the Government treasury, and when there are two or more Naicks the seven rupees are divided amongst them. The Naicks have the general district superintendence, and the village Ramoossees consent to this arrangement. The Tattara, Waroogbur, Muckindughur, Bushenghur, and Nandghurree Ramoossees, are the most numerous and the most formidable; but although I have not yet got in the returns, I do not think there are above a thousand Ramoossees capable of bearing arms from the Neera to the Warna; but the Mahrattas have always shewn themselves very ready to join the Ramoossees in any disturbance when they were likely to obtain plunder, and the Ramoossees have become important in this part of the country only from that cause.

I should estimate the Maungs at about the same number; but there is no occasion to speculate on the subject, as the exact number of Maungs and Ramoossees shall be transmitted to you in a short time, with the exact amount each has for his subsisting, how they are employed, and what number remain without any apparent means of livelihood.

I have released the Shetsundee lands of the Ramoossees of the forts abovementioned, in whole or in part; in part, because some would have been far better off than others, and it was best for all that none should be discontented. In Waee, Neeml, Jowlee, Soobah, and Mainee, where district Ramoossees were much wanted, I have brought Naicks, with some of their people, to take general charge, and have entertained Ramoossees in the immediate pay of Government in such situations as appeared expedient.

The Naick or Naicks of each district have given security for the fulfilment of the following articles:

First. In case of a theft, robbery, or murder, the offender to be traced, seized, and given over to the nearest officer of Government; the Naick to be responsible, or to afford satisfactory reasons for being unable to seize or to point out the culprit.

Second. To give information to the head officer of the district of all suspected persons, of projected gang robberies, or murders on account of feuds.

Third. Each Naick of Maungs or Ramoossees, as the case may be, is to receive a reward for the apprehension of all offenders against the public peace, at the discretion of Government.

Fourth. If there be no theft, robbery, or murder, the Naick is to receive an annual present of a new turban, presented by the Mamlutdars, and

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and a sum of money equal to one rupee per head, and all the Maungs and Ramoossees residing within the tract of which he has charge; and a continuation of such vigilance and good order for a series of years will entitle the head Naicks to the particular favour and consideration of Government.

This is the substance of the arrangement concluded with the Ramoossees, and thus far I have done nothing beyond improving the police long established in this country. Lately, when the country was much infested by thieves and gang robbers, I issued the following proclamation, at a time when it was not only necessary, but when people were in a state of alarm, and more likely to receive an order, which, if they thought and talked much of, would probably be soon understood, and in their then state of mind readily attended to.

Korowlee, in Kuttao Des, 30th January 1819.

PROCLAMATION, &c.

(Translation.)

Whereas, there having been of late frequent gang robberies committed in the country, there is an immediate necessity for taking some active measures, independent of the aid afforded by the military in the service of Government for the apprehension of the present gangs, and the future suppression of a practice so dreadful to the peace of society.

Further assistance will in a short time be afforded by the arrangements now in progress with the Ramoossees, but the following instruction, in addition to the orders that have from time to time been issued, are to be acted upon immediately.

The persons now disturbing the peace of the country are Meywatees and Bhats; they are accompanied by their women, families and baggage; they rove about in separate small parties like beggars, and when they have any object of plunder in view they suddenly assemble, attack a village, and where not vigorously opposed they will rob and murder. They move about apparently unarmed, but they have spear-heads concealed in their clothes or baggage, and the bamboos for supporting their pals are converted into spear-handles: take care of such people, and do not fail to apprehend them.

It is always proper to preserve established good customs. In addition to the village watch one Mhow of a small village, and two in the large villages, ought to be placed for the purpose of taking notice of passengers or strangers arriving at the village; they are to observe every person narrowly, and if there be the smallest reason to suspect them, they are to communicate their doubts to the Potail. If they carry their arms openly their passport is to be required, and examined by the Koolkurnee; if they have no passport the arms as heretofore directed to be seized; if their arms are concealed, or if there be other suspicious circumstances, they are to be taken up and sent to the Mamlutdars for examination, who will forward them to Sattara or liberate them, as he sees fit.

In case of there being several armed persons who oppose resistance, the Potail must quietly turn out of the village and overpower them; but if the Potail has any doubt of not being able to apprehend them with the [illegible] villagers, he is to communicate the intelligence to the neighbouring villages, who are to afford assistance. Information is at the same time to be sent off to the Mamlutdar, who is to reinforce the villages as speedily as possible with a party of Sebundies.

The head Potails throughout the country are to make five, ten, fifteen, or twenty persons, according to the size of the village, sleep in the village chouree or in the temple with their arms, and in case of any alarm in the night, the whole of the villagers are to repair to the place where the party sleep. This duty is to be taken in rotation, and in a proportion according to their numbers, by the Mahrattas, Ramoossees, Mhaurs, and Maungs; and in case this order is properly attended to, it will generally prevent all attempts on the lives or properties of the inhabitants. Any intelligence that may

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may be gained of thieves or armed parties, any seizures of such persons, or any escapes that have been made, correct intelligence is to be sent to the adjoining villages, that the news may spread over the whole country; a messenger to be instantly despatched from the Potail to the Mamlutdar, and a written account to be prepared by the Koolkurnee, and transmitted to the Mamlutdar as speedily as possible. Care must be taken by the Koolkurnee to write facts, and never to exaggerate.

In case of any persons being found wounded or murdered, instant information to be carried to the Potail, who is hereby most specially ordered to make most minute inquiries into the circumstances. Should any dead body be found, the Potail must proceed to the spot: however occupied, every thing must be suspended; he must go directly and order the Koolkurnee to attend or to follow him. The body is to be examined, and every particular respecting it correctly written down, the position and spot in which found, the appearance of the deceased, and any circumstance that appears likely to have occasioned his death. Should he appear to have been murdered, the exact part of the body where the wound has been inflicted, its size, nature, and by what instrument caused, are to be correctly noted. In case of death by poison, strangulation, and the like, taken, administered, committed, or caused, minute inquiry to be made; all suicides and deaths by accident to be particularly inquired into; and in the case of women thrown, falling, or jumping into wells, tanks, and rivers, most especial care, attention, and investigation are to take place.

Upon investigations of this nature, the time, date, persons present when found, and persons present when examined, are all to be most particularly attended to; and should the public authorities, Shaikdars or Mamlutdars, be in the neighbourhood, or their attendance be procurable in sufficient time, they are to quit their immediate occupation in order to be present at any such inquiry; but at all events the verbal message and subsequent written report are always to be speedily transmitted for the Mamlutdar's information.

These orders are for the general benefit. Wise men will understand them; whoever attends to them will get a great name and favour of Government; whoever neglects them is an enemy to the public peace, he will be punished.

Some parts of the above regulations have been superseded by the late circular orders, the rest remain in force. These orders are not always attended to, nor is it to be expected for some time: but they often are attended to, and I have not yet found it absolutely necessary to punish for neglect. Two nights ago there was an attempt made on the village of Wargaum, near Kurrar; the village Chowkey turned out, and though they did not succeed in apprehending the thieves, they drove them out of the village, and very nearly made some of them prisoners. It is not known who the thieves are, but the Ramoossees are after them, and expect to be able to apprehend them, as they are ascertained to be people of this country.

General Questions.

I have now, I believe, furnished answers to almost all your queries, directly or indirectly, respecting civil and criminal jurisprudence, the mode of regulating the police, and the arrangements in progress for restoring its efficiency, or for amending the system in such particulars as all experience has proved to be injudicious.

I am very certain there are many things for which I have to claim indulgence, but you know the constant occupation I have had; and in my answers to these queries, like a number of other things, I have been obliged to do the best I could, until I had leisure or opportunity to do them better.

I now proceed to answer the general questions.

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Question.	*Answer.*
1st. What is the character of the Mahrattas at present?	Notwithstanding all I may have occasion to mention, I believe the inhabitants of this country to be a better people than are generally met with in India.

2d. What are the prevailing crimes? Murder, theft, and robbery have all been very common during the time I have had an opportunity of particularly observing them, but there are fewer cases now than at first. Feuds in consequence of supposed hereditary rights were often the cause of murders amongst the Potails of villages, who are frequently Silladars, and more likely to do such deeds than Koonbees. The most desperate acts were not perpetrated on account of alienation or deprivation of property, but in consequence of usurpation of precedence on the occasion of burning the hoolee, when the head Potail has the right of tying the hoolee polee. This right gives the Potail a sort of patriarchal authority, and the performance of the act is absolutely necessary to preserving the honour and reverence due to the character. The ceremony is so well known, that I only mention it because, from its being so common, it may escape observation. It is merely tying the polee, which is a common cake of bread, upon a branch of the castor-oil tree, which is placed in the centre of the fuel heaped upon the occasion of burning the hoolee. The Potail says, " my son can do my other duties, I must tie this myself whilst I have life."

3d. What are the prevailing vices? Adultery, fornication, and lying.

4th. What are the checks which keep down crimes? If any crimes, such as decoity, are observed to be less frequent than in other countries, what is the reason? Gang robberies have, till very lately, been quite common. The Gosseins and Byragees were a great pest to the country under the former Government, as were the Ramoossees and the Maungs. The parties of horse were a great check to such crimes; but still they were not sufficient to prevent a frequent recurrence of them.

5th. What influence keeps down the vices? Religion, public opinion, and influence of caste.

6th. What powers had castes to watch over morals?

7th. How did they exercise them? The powers of long established usage; a part of their religious institutions. The caste had power to punish most immoral acts; but uncleanness, omissions, or infringements in ceremonies of eating and bathing, seem to have been more frequently and severely noticed than acts really vicious.

8th. What power had parents?

9th. Guardians and husbands?

10th. Heads of families? In all much the same as our own, without such guardianship as our laws to the property of the ward; the son is always held responsible for the debts of the father.

11th. How was religion kept up? By the frequency of fasts, festivals, and ceremonies, and by the unchangeable professions and customs of all Hindoos.

12th. How were the funds allotted to religious institutions prevented from being diverted to other purposes? By the interference of Government.

13th. How were religious observances enforced, by spiritual authority alone, or by temporal also? By spiritual and temporal authority.

14th. What persons had influence over the people, whether in authority Potails in villages and other persons according to circumstances. Amongst Silladars,

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Question.	*Answer.*
under Government or not; Surdars and Jageerdars, Mamlutdars, monied men, priests, Fakeers, Daismooks, &c.?	Silladars, Surdars, and Jagheerdars, Gosseins and Byragees are held in no estimation.

Brahmins who serve as worshippers in temples are also considered inferior to others, because they obtain their living by it; whilst an independent man's worship is supposed more acceptable to the Deity, and it is more respectable in the eyes of the community.

15th. Are there schools in towns? 16th. Are there schools in villages? 17th. Free, or for hire? 18th. Who teaches them? 19th. Do the people generally learn to read, and what classes most? 20th. What do they read?	There are schools in all towns and in most villages, generally for hire. They are taught by poor Brahmins of all descriptions. Brahmins and Bunnians learn to read, write, and keep accounts; they all read religious books; their mode of teaching is generally known, and does not require description.

Amongst all classes except Brahmins education is confined to mere reading and writing; the higher branches are the study of Sanscrit and Sanscrit books. There are students of medicine and astronomy at Waee, but I believe both their practice and their science are very contemptible. In medicine they have two classes, the hot and the cold, which it is the student's endeavour to recollect; and he assists nature or resists disease as he judges the temperament of the patient requires.

They say they can calculate eclipses, but this is the most they pretend to; and I have never yet had time and opportunity to make minute inquiries.

The Brahmins are fond of astrology, and firm believers in this and other irrationalities regarding coming events.

The greatest astronomer and astrologer of his day is Gopenauth Joshee of Sattara, a respectable gentleman-like old man, but worn out by years and infirmities.

Neel Kaunt Thuttay, who has temporary employment in the Sattara Nyaeedaish, is the most celebrated of the Deccan Shastrees; he studied at Benares for many years.

The above may be considered answers to the general queries; but, again reverting to the first question, the Mahratta people may be divided into two grand classes, the Mahrattas properly so called, and the Brahmins.

The latter are subdivided into a very great number of tribes, differing in shades of character too minute to be noticed or required in offering general opinions.

Of the Brahmins it may well be said, "they are good servants but bad "masters." As servants, when kept in their proper station, they are useful, active, and intelligent; at present they are without method, and wedded to their own practice: but much may be made of them in a few years if strictly controlled in every respect.

All Brahmins, spoken of generally, are intriguing, false and cunning, and where they have power they are coolly unfeeling and systematically oppressive. Those who have been in the military service of the late Government, or residents and visitors at Bajee Rao's durbar, are by far the worst people I have ever had any intercourse with: they may all be considered discontented, and nothing but fear prevents their becoming treasonable and treacherous.

The gross indecencies tolerated and encouraged amongst Brahmins and Brahmin families by Bajee Rao are not by any means general; and I never heard any person defend, or even attempt to excuse such behaviour. The

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The Brahmin women, although their fidelity and chastity are too often more than questionable, are, upon general comparison with the other native women, correct in their conduct and demeanour. They are rarely taught to read and write, but their more intelligent male relations, and their constant occupation in public, render them far more provident and sensible than Mahrattas or Mahomedans.

The Mahrattas are most distinctly divided, and it is hardly possible to conceive the same people rendered so very different by their separate occupations. They are all either Koonbees or Silladars. The Koonbees, or cultivators, are a very good people, hospitable, humane, industrious and inoffensive. They are religious, and in moral conduct as correct as the peasantry generally to be met with in other parts of the world.

The Potails and village officers, like the whole of the persons in any sort of authority under the late Government, are extremely prone to falsehood, corruption, and embezzlement; but they, of all such persons, had the best excuse for the fraudulent acts which they have long been in the habit of practising. Their present habits will certainly be amended when experience shall have given them some faith in their new Government.

The Mahratta Koonbee is improvident and litigious. These faults are to be accounted for in the general unsettled state of the Government and country, in the nature of the merass tenure by which a great portion of the Deccan lands are held, and in the protracted, indecisive, and corrupt system attendant on punchayets, or into which punchayets under an impure superintendence have degenerated.

This improvidence, common to all Mahrattas, may be observed in the Koonbee by the carelessness with which he contracts debts, and the way in which he generally dissipates the means of comfort which, with tolerable management, his situation affords: for instance, if he has wheat by him he will grind that for immediate consumption, although the difference of price between it and bajeeree, or joowarree, would nearly pay his rent or clothe his whole family; not that he does this for the immediate gratification of having a better meal, but merely because he is careless. The Koonbee in the Des, or open country, is much better off for the comforts and necessaries of life than the cultivators in the hills and khorahs. In the latter situations the people are obliged to labour constantly without the help of cattle, and in the most inclement seasons without clothing, in order to procure a scanty subsistence. They are particularly inoffensive and industrious; they are also more careful of what little they possess than their more substantial neighbours of the Des; their condition will be greatly improved by the change of government. They bring little bags of rice from a great distance along the tops of the mountains to sell at Sattara, and they come down with confidence with bundles of brush-wood, and even pieces of timber, for which they now find a ready and a sure market.

The Mahratta Silladar, even when seen as a cultivator, may be easily distinguished from a common Ryot. In this part of the country they are generally stout, strong, muscular men, and when the Mahratta appears as a Silladar he expects to be treated like a gentleman. The marks by which they may be distinguished are a smarter way of binding their turbans, smoother skins, their goorgees or breeches coming below the knee, and not so stout in the calf of the leg as their neighbours. They seem more intelligent because their exterior altogether is better, and they express themselves with more ease in the presence of strangers; but the Koonbee is not deficient, and is as superior to the Silladar in point of information regarding farming affairs as he is in moral conduct and usefulness to the community.

A Mahratta gentleman has all the vices of the Mogul, without any of the taste or magnificence which the latter comparatively may be said to possess.

The excess of Mahomedan politeness and hospitality is most rudely imitated in the coarse self-disparagement and the stupid unmeaning professions of the Mahratta when wishing to be civil. It is necessary to the Mahratta consequence to have several wives, or at all events a plurality of concubines. The Mahratta

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ladies are as strictly veiled as the Mahomedan, but infidelity and illicit intercourse are much more common amongst them than Brahmin wives.

The Mahratta gentry like to have horses, brood mares, and a few buffaloes; these, a good deal of debts, a hookah, and a few dogs for coursing, are all necessary to be considered dashing, which they aim at. They are great braggers, and this is not introduced so much in speaking of their personal prowess as of the excellence of their sword, horses, and dogs.

A Mahratta will tell of his having a sword capable of cutting through a man and camel at a stroke, of his having had a horse which galloped with him several coss with a six-pound shot in his belly, and if he wish to sell one, there is nothing he will not tell of his prowess or his pedigree. The same of their dogs: some have run an antelope for a whole day and killed him in the evening; some are descended from the famous Cundee, a Pariar dog of Shao, the fourth Rajah, which seized a royal tiger in the act of springing on his master and saved his life: for which act the dog was honoured with a Sirdar's palankeen, and lies buried at Maholy by the ashes of his master.

The Mahrattas are certainly humbled by the late war, but they attribute the ruin of every thing to the mismanagement of the Brahmins. There is the greatest jealousy between the two, but each is necessary to the other. It is the Brahmins who have kept the Mahrattas in such barbarous ignorance; a Mahratta gentleman considers it almost degrading to be able to write a sentiment, which the Brahmins foster most carefully. The Brahmin is sometimes really witty at the Mahratta's expense; the Mahratta's retaliation is some coarse joke, generally rude, familiar or indecent.

All Brahmins will assist each other to cheat a Mahratta, whom they consider fair game, because if they did not cheat they would be stoned. A Mahratta would not part with five rupees in ready money to prevent his signing away fifty. As an instance of how the Brahmins hold together, as well as the good nature of the man, may be mentioned the following anecdote of Sewdasheo Chimnajee Bhow, whose name is familiar to every one from his having lost the Mahratta army and his own life by the injudicious battle which he was latterly compelled to fight on the plains of Panniput.

A Mahratta Sirdar, one of the Sindays of Yeroor Manjera, had a claim for 9,000 rupees, which he sent his Carcoon to recover from the Bhow; the Carcoon received the money, but he gave his master 3,000, and kept 6,000 for himself. On the first occasion of the Sirdar's meeting the Bhow, he mentioned in presence of the trembling Carcoon who sat behind him, the unexpected small sum he had received in liquidation of a claim which he considered unanswerable. The Carcoon immediately made signs to his brother Brahmin by putting the distinguishing mark of caste from below his ungrukka, and pointing to his belly; which was as instantly understood and acknowledged, by the Bhow's replying that there had been some mistake, which he immediately rectified by an order for the balance.

Drunkenness is a common vice among the soldiery, but it is by no means general in this country; some Brahmins take intoxicating drugs as stimulants, but they very rarely drink spirits.

Murder is not uncommon; a Brahmin, however, will rather excite than commit a murder, and it is remarkable in the Mahratta, that he will perseveringly continue and effect the design of perpetrating a murder, though he will seldom or ever avenge one.

I shall now close this report by subjoining an indiscriminate list, as they occur, of a few of the persons, either conspicuous or notorious, whose names I immediately recollect; and as their characters are all known to you personally or by former lists, I shall merely remark that they, with their friends and dependents, reside within the district:

The Prithee Nidhee,
The Punt Suchew,
Jan Rao Nayk Nimbalker,
Maha Deo Rastia,
Shaick Meeran,
Anna Nuggurkur,

Jeywunt

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Jeywunt Rao Muntee,
Bapoo Apty,
Antajee Wasdeo Mutalik,
Bajee Rao Putunkur,
Sewaram Thorad Walwekur,
Nagojee Rao Palunkur,
Bulwunt Rao Ghatgay (Joanjee Rao),
Appajee Rao Palunkur,
Bulwunt Rao Thorada,
Cassee Rao Gargeer,
Gunpup Rao Pansia,
Gopal Rao Scindiah,*
Kununkierkur,
Yeswunt Rao Scindiah Kopurdaykur,
Dondcha Chawan Dygaamkur,
Dowlut Rao Sar of Deskul,
Bulwunt Rao Bickajee Ateley,
Krist Rao Dowlut Kuarkur,
Dowlut Rao Gargay Boodkur,
Toolsajee Bhoonslah Koerlerker,
Mallajee Nayk Nimbalkur Akloojkur,
Raja Purturaj,
Seo Rao Powar,
Appajee Kuddum Gerwakur,
Amrut Rao Mankiswur of Dargooree,
Bowan Rao Jadoo,
Jugdeo Babur,
Bulwunt Rao Ghapara,
Manjie Burgay,
Hybat Rao Jugtab,
Jugdeo Isal,
Mancoo Scindiah,
Krishnajee Jugtab,
Bapoo Goykwar,
Bapoo Bumdkur, &c. &c.

besides many others, not including all His Highness the Rajah's relations, the Bhoouslahs, the Sirkays, the Moheteys, and the Maricks.

I have, &c.

(Signed) JAMES GRANT,
Political Agent.

Mr. JOHN BRIGGS, *dated Dhooliah, 13th June* 1819.

Mr. J. Briggs' Replies to Judicial Queries, 13 June 1819.

To the Honourable Mountstuart Elphinstone, &c. &c. &c.

Sir:

In conformity with the instructions conveyed in your letter of the 9th ultimo, I do myself the honour to enclose a series of answers to the Queries sent to me privately on the 5th January last. I submit this document to your consideration with great diffidence, as there are few people in Candeish from whom information of the requisite nature was procurable; and I beg leave to observe that the answers relate particularly to this province.

I have, &c.

(Signed) JOHN BRIGGS,
Political Agent in Candeish.

Judicial.

Queries.	*Answers.*
1st. How was justice administered under the Peishwa's government?	Either by the chief authority, whether civil or military, on the spot, or by litigation.
2d. Were particular cases tried by officers of Government; and particular ones referred to punchayets?	Criminal cases were always tried by Government officers, and generally in a very summary way. Civil cases were ordinarily settled by the chief authority in his cutcherry; but where they were intricate, and involved a large amount, they were sometimes referred to a punchayet.
3d. Or was it at the choice of the Magistrate?	It was left to the choice of the Magistrate.
4th. Or of the parties?	The parties if discontented might sue for a punchayet, which was sometimes granted.

* The legitimate head of the family of the present Dowlut Rao Scindiah.

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Question.	*Answer.*
5th. How were punchayets constituted?	They were usually selected by the parties, with a Carcoon on the part of Government to superintend them.
6th. Who were eligible to sit?	This depended on the nature of the cause; persons of the same caste with the parties usually sat, no caste was exempted.
7th. Were great men ever members?	It sometimes happened that great men were requested to sit and decide in cases where men of rank alone were concerned.
8th. Were there punchayets of Shastrees alone, and in what cases?	Shastrees sat in cases of religion, or on the transgression of superstitious customs.
9th. How were the members elected or appointed?	By the parties, in cases of litigation; by Government, when the Sircar had any thing to recover.
10th. How was a punchayet procured?	By summons from the chief civil authority.
11th. Was the consent of both parties necessary to one?	It was usually considered so.
12th. Did any officer of Government preside?	Generally.
13th. Who was the umpire?	The punchayet consisted of an odd number, to render an equality impossible.
14th. Had they ever a Shastree along with them in cases of law? and if so, was his opinion of more weight than another member?	They usually had, and his opinion was considered conclusive.
15th. How did the punchayets procure the attendance of witnesses?	By application to the chief authority.
16th. How did they act if a party failed to attend?	Meet again. The want of attendance of the parties, of witnesses, and the members, is most vexatious. Unless some penalty is attached to this want of attention, the punchayets will be the most tiresome and tardy method of administering justice that can be devised.
17th. Could they decide *ex-parte*?	No: at least it was unusual.
18th. How was their award drawn out? 19th. Did they recapitulate the arguments and the evidence? 20th. Did it give reasons for the decision?	The complaint and the reply were first in writing, and the nature of the evidence by witnesses entered, then followed the award, and the reasons for the decision.
21st. Where was the written award deposited?	The whole proceedings, with the written evidence of the witnesses, were deposited with the chief authority on the spot.
22d. Did it require confirmation, and from whom?	Civil cases required no confirmation beyond the Mamlutdars. The date was affixed by the Furnaveese.

23d. Did

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Question.	*Answer.*
23d. Did any appeal lie from the award of a punchayet?	Yes, to the Sirsoobah, and even to court; but the sentence was not suspended on that account: another punchayet might be assembled by higher authority, and the award reversed.
24th. How was a corrupt member punished, if at all?	Under the Peishwa's Government most crimes were punishable by fines; I have heard of no instances of corrupt members of punchayets being so punished, or in any other way, though the crime was, I believe, very common.
25th. Were revisions ordered, and in what cases?	They were ordered by any direct superior authority till the appeal reached the court, and by new Mamlutdars.
26th. Were new punchayets ordered on the same case, and by whom?	This was the only mode of revision.
27th. How was the attendance of members procured?	The parties generally selected their own relations, who were often interested in the cause; they were, however, not compelled to attend.
28th. How were they compelled to come to a decision; in other words, what means were taken to prevent delay?	There were no means used. On application to the civil authorities, sentries were placed over the punchayet to prevent their eating or drinking till they decided: but this was very rarely done.
29th. Was it reckoned a compliment or otherwise to be selected as a member?	Yes.
30th. Was there any fixed fee to the members?	No fixed fee.
31st. Or any not fixed?	The expenses were paid
32d. Who paid it?	By the parties.
33d. Was a man obliged to be a member?	No.
34th. Or was he only obliged to attend after he had once consented?	He was compelled to go through an investigation which he had commenced, unless evidences were required from a distance, when the punchayet closed their proceedings *sine die*; and it often happened that the cause was eventually decided by another set of members, as all the evidences was taken in writing, and generally in the hand of the witness, if he could write. This was not considered important.
35th. How was attendance compelled?	If under the above circumstances he refused to attend, he might be fined.
36th. Were the parties allowed to challenge members?	They might object to any member; but in general, as they are the friends of each party, it is to be expected they are prepared to decide in favour each of his own party.
37th. How were punchayets managed in the country?	No regular punchayets could sit, but with the consent of the Mamlutdar.
38th. Were they encouraged, or otherwise?	It was the only mode of trial that was not arbitrary.
39th. Who assembled them?	The Mamlutdar.

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Question.	*Answer.*
40th. What was the power of the Potail?	The Potail had no judicial power.
41st. What is it now in this respect?	The same: he always refers every thing to the Shaikdar or the Mamlutdar.
42d. Who were the members of country punchayets? 43d. Ryots? 44th. Or Potails of other villages? 45th. How did they compel attendance of members? 46th. Of witnesses? 47th. Of parties? 48th. How did he enforce his decrees? 49th. Or by whom was he supported? 50th. What was the next judicial authority of the Potail? Had the Shaikdar any authority in this way?	It was usual with the Ryots to refer the consideration of their disputes to the Potails and elders of the village, when they sat, as is customary, under some large tree at the village gate, of an evening. This decision was rather one of general opinion than a judicial proceeding, for he had no power to enforce it. The Shaikdar had little authority, he was the agent of the Mamlutdar.
51st. Was there any chain still higher up?	The Mamlutdar.
52d. Had the Daismook, Daispandees, &c. any judicial authority?	Certainly not; but they in general leagued with the Mamlutdars in oppressing the people.
53d. Was there any regular appeal?	No; for justice and injustice were always bought and sold under the Mahratta Government.
54th. And to whom?	[No answer.]
55th. What is the public feeling regarding punchayets? 56th. Are they popular with the litigants?	They are on the whole popular; but in general the parties would prefer the decision of an European, upon whom they seem to place much confidence.
57th. With the members? 58th. What is their real character? 59th. As to intelligence? 60th. As to honesty?	The members dislike the duty. They appear to be useful in matters of caste and family disputes. They are extremely slow in their decisions; parties, members and witnesses are careless as to the time of their attendance. They are open to corruption if not overlooked by some European gentleman; but, as long as there is an immediate appeal and exposure of bribery or corruption, I conceive they are salutary, and assist the public authority very much in keeping down the causes on the file. The system, however, requires revision, and the attendance of members, witnesses, and parties, should be coerced by fines, or some other mode of punishment.
61st. Is the attendance so much felt as to be grievous?	Yes; if witnesses are required from a distance.
62d. Does serving on punchayets give habits of litigation and chicane?	No; this does not appear to be the case.

The particular mode of proceeding now in force on the points alluded to both above and hereafter is invariably to be stated, and all improvements that occur, suggested.

63d.

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Deccan.

Question.	*Answer.*
63d. What were the other modes of trying causes, besides punchayets?	The criminals were brought before the Magistrate, their depositions and that of witnesses were read, and judgment was passed at once, either in concert with the Shastree or not, as it might be.
64th. Who were the judges in the town and country?	The Mamlutdars, Soobadars, Jagheerdars, on their own jagheers.
65th. What were the powers of great and small Jagheerdars? 66th. Of Enamdars?	It depended much on the influence at court; some were vested with the power of life and death.
67th. Were there any regular courts? 68th. How constituted and composed? 69th. How named?	The chief civil authority for the time being tried all causes; generally in public
70th. Where held?	In the cutcherry or durbar.
71st. What were the forms of pleadings?	No particular forms.
72d. Were there any written pleadings?	Each party told his own story.
73d. What was the course from the commencement to the decision of a trial?	In all trials every thing was taken down in writing (called zubany, or deposition).
74th. What was the form of process in all cases before judges or punchayets?	No answer.
75th. Were Vakeels allowed?	Great men were allowed to send Vakeels.
76th. Is it a trade, or did relations and common Carcoons in a man's service do the business?	It is not a trade; a man sent any one he had about him, who he thought would best manage the business.
77th. Would much inconvenience result from prohibiting the employment of Vakeels?	No inconvenience to the Judge, but considerable to the party; who, if a man of rank, would dislike being summoned to appear in person on every charge brought against him.
78th. Were the friends of the parties allowed to be present at trials, or was the court open?	[No answer.]

(The following questions refer to other courts, as the former ones of the same nature did to punchayets.)

Question.	*Answer.*
79th. How were defendants summoned?	By a letter from the chief civil authority.
80th. How witnesses?	Ditto of men of rank, or through the head of the district.
81st. In what cases did judgment go by default?	[No answer.]
82d. Were great men obliged to attend as defendants? 83d. As witnesses?	No; they sent their Vakeels, excepting they were summoned from the court.
84th. If they did not attend, how was their evidence procured?	In writing.

85th.

Mr. J. Briggs' Replies to Judicial Queries, 13 June 1819.

Deccan.

Question.	*Answer.*
85th. Was giving evidence in itself considered degrading, or only from its requiring attendance?	Only from its inconvenience of attending the court. Great men, however, took no notice of summons or letters that did not come from court, or from the Nyaeedaish Balshastry from Poona.
86th. Was evidence ever taken down, and when?	It was always written.
87th. Were oaths required from witnesses in civil or criminal causes?	I believe not, except in the event of witnesses giving point blank opposite evidence.
88th. What were they, and how administered?	It depended on the caste of the witness. The Brahmin's foot, the Bhole, and the Koran, the water of the Ganges, &c. &c. &c.
89th. How was perjury punished?	It was seldom punished.
90th. What oath is most binding? 91st. Are oaths much regarded?	The most solemn are totally disregarded where the party has any object in view. False witness by indifferent people, however, is not common.
92d. Did a suitor pay any fee to Government, and what?	No regular fee was established; under the Mahratta, like all very corrupt governments, nothing could be done without fees.
93d. Did a defendant, and what? Did the party that lost pay any fine, and what?	No; the party lost was frequently fined by Government.
94th. How were defendants and witnesses subsisted if kept away from their villages on a trial?	The parties entered into a penalty to support them.
95th. How were disputes about succession settled?	By punchayets.
96th. If by punchayets, of whom did they consist?	Of persons selected by the parties, though not unfrequently persons selected by the Mamlutdars.
97th. How were boundary disputes settled?	They were referred to Government, which usually directed a punchayet of Potails, who called on the Dhurs of the village to point out the true boundary: this they were usually enabled to do by a line of particular stones, under which charcoal in pots, or money, is not unfrequently buried.
98th. Were they frequent?	Not frequent.
99th. How were disputes about caste settled?	By a punchayet of the caste superintended by a chief.
100th. Are there any heads of castes who settle disputes?	The principal men are usually assembled in punchayets.
101st. Or is it done by punchayets?	By punchayets and by the elders.
102d. Who summon these?	The heads of the caste.
103d. What regulations are they under?	The regulations of their own particular caste.
104th. Does the Government interfere, and how far?	The Government seldom interferes unless they disturb the peace.

105th.

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Deccan.

Question.	*Answer.*
105th. Did the Government ever listen to complaints for wrongful expulsion from caste?	Instances may be adduced, perhaps, but rarely; in general out of favour or affection.
106th. How did a poor man recover a debt or obtain redress from a rich powerful man?	He had no means of doing so unless he was connected with some one who had a patron at court.
107th. If there was no resource for a poor man against a powerful man, what prevents the utmost oppression, such as was certainly not exercised in this country?	There was a very extensive sort of patronage which poor men had sometimes recourse to, but much injustice was done in a quiet way without its being known. The habits of the people are averse from corporal punishments, murders, or bloodshed, in any shape; the principal cruelty consisted in rigid confinement and starvation.
108th. What protected him in towns, what protected him in villages?	The character of the Mamlutdar or immediate superior.
109th. How far did dependence on the great men, or connexions with their dependents, protect people?	Very materially; it was the only screen for a poor man.
110th. How far could Jagheerdars, Mamlutdars, or even court favourites, interfere in the administration of justice?	The power of Jagheerdars and Mamlutdars away from court was nearly absolute; that of court favourites depended on the nature of their influence.
111th. Could any great men try a cause or order a punchayet? If not, what prevented him?	No: the jealousy of the superior authorities on the spot.
112th. Could one Judge or one great man try a cause which another had decided?	It required a superior authority to try a cause a second time and set aside the first decision.
113th. What was the practice in good times, those of Nana Furnavees, for instance?	The above.
114th. What were the principal changes in Bajee Rao's time?	If any changes took place in Bajee Rao's time, it must have been in the cause of court favourites.
115th. How were obstinate debtors compelled to pay?	It is the system for all debtors to withhold their dues till compelled by Government or by their necessities.
116th. If great men? 117th. If ordinary people?	It depended on their situation and influence.
118th. Was imprisonment for debt practised?	Yes.
119th. Were any obliged to serve their creditors, and who?	This was practised in extreme cases.
120th. Were children and families kept as hostages for debts?	Yes.
121st. Were bankrupts set free from all their debts?	Yes.
122d. What constituted a bankrupt?	The urgent demands of creditors who insist on a division of his remaining property. A committee assembles by order of

Mr. J. Briggs' Replies to Judicial Queries. 13 June 1819.

Deccan.

Question.	*Answer.*
123d. What checks against fraudulent bankruptcy?	of the Circar to examine his ledger and other books, and if they are convinced he has no more money than what is therein exhibited, he is proclaimed a bankrupt.
124th. What seem to have been great subjects of litigation?	Money transactions with bankers, and hereditary landed estates.
125th. Are any new ones appearing since the introduction of our Government?	Rights of zemindarry are endeavouring to be gained which are almost without foundation, and attempts are sometimes made to supercede decisions.
126th. Was there any code of laws in any law book of acknowleged authority?	The principal law book seems to have been the Dhurmee Shaster; it was neither necessary, however, nor always conclusive.
127th. If, as seems to be the case, the Mahratta practice differs from the Hindoo law, was the difference introduced by the Mahomedans?	The Mahomedans certainly materially altered the Hindoo code of laws, but the Mahrattas seem to have adhered to no particular code; they made expedience their doctrine, and took precedent, however unjust, as their guide, when it suited their convenience.
128th. Are Mahomedans allowed the benefit of their own law either in civil or criminal cases?	They had the benefit of their own laws which did not militate against the Hindoo customs or religion.

Criminal Justice.

1st. By whom was criminal justice administered?	By the chief civil authority, whether Mamlutdar, Soobadar, or Sirsoobadar.
2d. What were the limits (whether defined or otherwise) of the powers of each person concerned in the administration of it?	They received their instructions from court. The Sirsoobadar of Candeish resided usually at Moollier: he had power of life and death.
3d. Who had power of life and death?	Mamlutdars and Soobahdars.
4th. Who had cognizance of serious crimes not capital?	
5th. Who of petty causes, assaults, abusive language, calumny, &c.?	Shaikdars, and ditto ditto.
6th. What were the punishments for each crime, murder, treason, theft, robbery, rape, &c. &c. &c.?	Murder was punished by death, but it was frequently commuted for money and long confinement.

Treason, as it was dangerous to allow the culprit to live, was either punished by decapitation, or by confinement in a hill-fort, where the criminal was starved. Theft and robbery were punishable according to the Shasters, but it depended much on circumstances.

The recovery of the property seems to remove a very large load of guilt from the offender, although it should be accidentally discovered only.

7th. Were they regulated by the Hindoo law or by custom?	According to Hindoo law.
8th. Were there any forms of trial in criminal cases?	The zubany or deposition in writing of the evidences, and the defence of the criminal was always taken.

9th.

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Deccan.

Question.	*Answer.*
9th. Were punchayets used?	Never.
10th. Were Shastrees consulted, and on what subject?	On the law; they sat in general at all trials.
11th. Who tried offenders against morals, adultery, fornication, drunkenness, &c.?	The chief civil authority.
12th. Were there any punishments for those offences?	They were not heavy.
13th. Were they tried by the caste; if so, how were they punished?	If the offence involved the degradation of any particular caste, the criminal was given over to it, and was either turned out, fined for Government, or obliged to do penance and feed Brahmins, or the head of his caste.
14th. Was the confirmation of Government required to the decisions of the caste?	No.
15th. What was the usual mode of execution for all crimes?	When a person was disgraced his face was blackened with charcoal or soot, and he was paraded round the town on a jack-ass with his head towards the tail.
16th. What of imprisonment?	Sending the criminal to a hill-fort, where he usually died in a short time for want of food.

Police.

1st, 2d, 3d. Who was at the head of the whole police of the country under the late Government?	Trimbuckjee Dainglia, Naroba Sactia, and Appajee Naig.
4th. What were the powers and duties of the village watchman?	It was his duty to attend every traveller as a guide to the next village; and he was able at once to account for him within his boundaries. As it is impossible, however, he could attend every individual he made remarks on the appearance of every stranger, and by this means was enabled to detect him in robbery, or to ascertain if any part of his property having been robbed was brought for sale to his village. It was his duty to watch all strange people coming to market. It was his duty to protect merchants' goods in the village, for which he received a trifle. He was bound also to attend and watch Government property and servants; to sleep near the gates of the town; and, in case of any loss sustained by foreigners, to discover the thieves, or to make good the loss.
5th. Of the Potail and Koolkurnee?	The duty of the Potail is to enforce that of the Jaglas and other village servants; the Koolkurnee attends and assists him.
5th. (2d.) Of the Shaikdars?	They were the Mamlutdars' agents, and it depended on the authority vested in them.
6th. Of the Daismooks, and 7th. Daispandees?	They had the duties in the palace.
8th. Of the Mamlutdars?	The Mamlutdars being the representative of Government, were at the head of the police; they issued such instructions as they thought fit, and were responsible for the police of their several districts.

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Question.	*Answer.*
9th. Were there any more links in the chain of police authority?	Each village is held responsible for whatever is done within its boundary, and it rarely occurs even in Candeish, where the villages are far apart, that robbers and murderers are not traced.

In Candeish a race of Jagheerdars called Rawuls, in the districts of Talneir, Numdoorbar, Sooltanpore, and Soangheir, have lands for maintaining the police, and lately held villages on sallamy tenures; they are said to have been once very useful, but they are at present unemployed.

10th. What was the office of Tuppasnuvess?	The office of Tuppasnuvess was established about seven or eight years ago to keep down the incursions of

Bheels and other robbers, as well as to be a kind of check on the maladministration of Mamlutdars and farmers of revenue. The officers appointed invariably receive bribes, both from Bheel chiefs and Mamlutdars: they however possessed tolerable information as to the real state of the country, but by no means maintained a good police.

11th What was the plan of police in the best times of Government?	The village police above described; the same rule is applicable to pooras or divisions (such as parishes) in large towns.
12th. What changes were introduced in latter days?	The office of Tuppasnuvess succeeded to the established police; it rendered the latter less active, and was in itself very inefficient, and open to the most flagrant corruption.
13th. What is the general state of the police, good or bad?	The system of the village police in its original form is good, but it is not sufficiently rigidly enforced; that of towns appears very indifferent.
14th. What is the pay of a village watchman?	They are paid differently in different places, from the value of two rupees to ten rupees monthly.
15th. What is the precise way in which it is paid, land, or money, or fees, and by whom paid?	In land, in kind, in money payments, and fees for watching.
16th. Is it sufficient for his maintenance?	It is ample for one person, but when a family becomes large the whole of its members are called Jaglas, and perform the duties: but the profits do not increase.
17th. Are there watchmen to every village?	Yes: they are allotted according to the size of the village; they seldom exceed eight or ten.
18th. Are they required where they do not exist?	They are required for the effectual police of the village; the poor villages would rather not be burthened with them.
19th. Can they be procured?	Yes.
20th. What castes are watchmen?	They are Bheels in Candeish; on the banks of the Supty, Coolies; in other parts they are Maungs, Dhurs and Mhows.
21st. How do they proceed to find out thefts?	They trace the footstep of the thief, and whatever he has carried off, if it be a bullock, horse, &c. &c. they follow

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follow the track to the next village, where they make over the tracks to the watchmen, who from that moment are bound to trace out of their boundary or to produce the thief.

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Question.	*Answer.*
22d. What means do they possess of knowing the people of their village?	Residence from their birth, and frequent employment at their houses in little jobs: none in Candeish. (*Sic orig.*)
23d. Is there any distinct police besides the Mamlutdar's Peons?	The Bheels trace the thieves; they are aided in seizing them by the Peons.
24th. Are the Potails and village watchmen attentive?	When it is well understood that they must make up the losses, they seldom fail to produce the goods, or to give satisfactory information of the thief.
25th. How was inattention or connivance punished under the old Government?	They were made to pay the amount.
26th. What powers had great and small Jagheerdars?	They had the same powers as the Government in their jagheers, and their villagers were equally responsible.
27th. Of Enamdars?	According to their character and importance.
28th. Chiefs of Bheels, &c.?	In some districts Bheel chiefs regulated the search after robberies; and

as they were connected with the village Bheels, they had the most certain information of any people. I am convinced that no crime is committed without the walls of a town that the whole circumstance is not known to the Jaglas, generally, in a very short time; and provided they are well paid, I am of opinion that the village police as established under the Hindoo Government is the best that can be introduced.

29th. Were there any heads of castes or professions, Naicks, Chowdrees, Shastrees, &c. &c.?	Yes.
30th. What were their powers?	Their powers were chiefly maintained by the public opinion of the caste, and by their own characters.
31st. In what state are they now?	The same as ever.
32d. What measures of preventive police existed?	Night patrols in towns; Chowkies on high roads and ghauts.
33d. What regulations about suspected persons?	None that I know of; they were watched, and often taken up, but at the discretion of the chief authority.
34th. About moving out in improper hours?	None any where but at the capital, that I have heard of.
35th. About stolen property?	None.
36th. How far were Potails, Naicks, Chowdrees, &c. responsible for the conduct of the classes under them?	Their influence was expected to procure assent to any thing reasonable, but this depended on their inclination and on their character.
37th. Was the sale of liquor forbidden or regulated?	It was regulated, and formed a trifling source of revenue.
38th. What was the custom about furnishing Begarees?	Begarees were furnished by the villages to all who could compel their attendance, who never paid them; they

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they were, however, fed by the villages at which they arrived if they were to go on in the morning, otherwise they got nothing.

Question.	*Answer.*
39th. How were they paid?	Not at all.
40th. How were provisions furnished? 41st. Were any articles furnished gratis?	They were furnished by the village to all descriptions of Government servants, from the Hircarrah to the Mamlutdar, and the expense was defrayed by the Sadit Patty.
42d. Are villagers responsible for stolen property?	Yes, for all property proved to be lost within the village boundary.
43d. If they are, was it reckoned a hardship to enforce the demand?	No, it was the duty of the village community to refrain from theft, or to discover the chief.

General Questions.

1st. What is the character of the Mahrattas at present?

I shall confine my observations to the inhabitants of Candeish.

The people in general having suffered much from oppression, are for the most part inert, slow, and unenterprizing. They have by no means recovered their original caste of character. They are suspicious of all kind of innovations; absolutely devoid of confidence in their superior, and are prone to falsehood and deceit wherever they have the smallest object of gain; no reliance whatever can be placed in any thing they complain of or that they assert. Like their superiors the Zemindars, by which I mean Daismooks, Daispandies, Potails, and Koolkurnees, they exercise oppression on the lower classes proportionate to their power and to that which they have suffered. The lowest classes of all suffer most in this chain of tyranny. The inhabitants are very poor; they are industrious without energy, and are a peaceable race.

2d. What are the prevailing crimes; murder for revenge or gain, robbery, perjury, &c.?	Crime is very rare among them: at least but very few have been as yet brought forward.
3d. What the prevailing vices; adultery, prostitution, indecency, drunkenness, gaming, &c.?	Prostitution, drunkenness, indecency, or gaming, seem unknown: but this may originate from extreme poverty.

4th. What are the checks which keep down crimes? If any crimes, such as decoity, are observed to be less frequent than in other countries, what is the reason?

Highway robbery and decoity were very common before the introduction of our Government. The former is much less frequent, and the perpetrators now seldom escape; the latter has almost altogether subsided. Those crimes seem to be confined to Bheels alone: most of the soldiery are in employ, and those out of employ cultivate the land.

5th. What influence keeps down the vices, religion, public opinion, influence of caste?

Poverty keeps down vices arising out of luxurious and licentious habits, such as the encouragements to public prostitution, gaming, and drunkenness. The same reason precludes the ability to support priests and temples.

6th. What powers had castes to watch over morals?	Persons who form connexions with men or women of inferior caste are sometimes expelled, but the caste seem to have no influence over the morals of the people generally.
7th. How did they exercise them?	By expulsion or fine.

8th.

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Question.	*Answer.*
8th. What powers had parents?	No powers over their children after they were grown up, previous to which they were at liberty to betroth them, or even to sell them without their consent.
9th. Guardians?	Guardians often defray the expense they have been at in bringing up wards; if females, by making them over to another person, and receiving a sum as a dowry: the woman, however, has no pretensions to the right of a wife.
10th. Husbands and heads of families?	The husband has the privilege of being master in his house in every respect; he can beat his wife or his children, but has no power of life and death. Much of his power must depend on his character.
11th. How was religion kept up?	By temples and priests.
12th. How were the funds allotted to religious institutions prevented from being diverted to other purposes?	Large temples were supported by Government, the lesser ones by contributions of the people, which were entered in the gown khurch of the village. Each temple has its particular day in the year, at which is an established ceremony, and it is usually attended with a fair or a market. The Brahmins had usually pay for their subsistence allowed by the Circar, but upon occasions of the annual festival the village authorities themselves procured the articles from the Banyans and gave them to the Brahmins.
13th. How were religious observances enforced, by spiritual authority alone, or by temporal also?	Public opinion seems to be the only control over those who neglect the temples and religious affairs.
14th. What persons had influence over the people, whether in authority under Government or not; Sirdars and Jagheerdars, Mamlutdars, married men, priests, Fakeers, Daismooks, &c. &c	In Candeish the supreme authority directed his influence through the Daismooks and Potails. Fear appears to have been the principal director of all the actions of the people; neither Fakeers or priests had any influence, because the people were too poor to support any of consequence
15th. Are there schools in towns?	There are some few in principal towns, in villages none.
16th. Villages?	
17th. Free or for hire?	For hire.
18th. Who teaches them?	Brahmins.
19th. Do the people generally learn to read, and what classes most?	Very few people learn to read Brahmins' children and Bunnians children are almost the only two classes. They are in Candeish very poor indeed.
20th. What do they read?	The Mahratta and Sanscrit lan-
21st. Are the people of the Mahratta country well off, or otherwise, in point of subsistence?	[No answer.]
22d. What classes gain and what lose by the conquest?	Men of rank, generally speaking, lose materially by the conquest. Many of these have not only forfeited their power but their estates; their power of enriching themselves by their violence they all have lost, and their dignity the whole of them. Brahmins of rank, court favourites, Hoojeas in particular, and favoured contractors,

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tractors, have lost all future prospect of gain, though they have secured to themselves without danger of sequestration their former gains. On the whole, however, they must imagine themselves losers by the conquest, whatever may be the truth, and may therefore be considered as such. Many Mahratta Sirdars must have been losers, and Daismooks, Daispandees, Potails, Koolkurnees, as well as Sahoorcars and Mahajans, if they are closely looked after, must lose materially by the connexion. The Bheel chieftains have lost their power, but have gained a permanent livelihood; the same is applicable to their followers.

The mass of the people are gainers. Oppression has ceased, the door of justice is every where open, and happiness by slow degrees must ultimately be the result. In a word, the strong have been overthrown, and the power of the oppressor has been taken away; the weak have been relieved from their burdens, and are protected.

(Signed) JOHN BRIGGS,
Political Agent in Candeish.

MR WILLIAM CHAPLIN, *dated Darwar, the 25th June* 1819.

To the Honourable M. Elphinstone, Commissioner, &c. &c.

Mr. W. Chaplin's Replies to Judicial Queries, 25 June 1819.

SIR:

I have the honour to transmit to you my answers to your Queries under date the 5th January 1819.

I had not time to take the subject of these interrogatories into consideration till after my return from Poona, and as you have since expressed a desire that early answers should be furnished, I have hastened to draw up those which now accompany this letter. The scope of the queries embraces subjects so various and comprehensive, that it would require a long residence and a diligent inquiry to procure an accurate knowledge respecting them.

I am very sensible how incomplete my materials are, and how inadequate to furnish the requisite information; but I must trust to your indulgence to excuse their imperfections.

I have, &c.

(Signed) W. CHAPLIN,
Principal Collector and Political Agent.

Judicial.

Queries. 5th *January* 1819.	*Answers.* 15*th June* 1819.
1st. How was justice administered under the Peishwa's government?	The administration of justice in this part of the Peishwa's territories was conducted by the Sirsoobadars and Mamlutdars, and occasionally through the agency of punchayets.
2d. Were particular cases tried by officers of Government, and particular ones referred to punchayets?	All suits founded upon contracts, whether of account, covenant, or debt; all cases relative to personal or real property, disputed boundaries, distri-

bution of water, claims to land by occupancy or prescription, quarrels between parties, disputes between castes, infringement of established customs, breaches of promises of marriage or rules of adoption, letters by gift, grant or inheritance, and a variety of other causes which it is needless to enumerate, were in general referred to punchayets for settlement, whenever the subject of dispute was too intricate or complicated to be determined by the officers of Government. They, however, frequently decided without any reference in obvious and easy cases; but when no other mode of adjustment could satisfy the parties, the mode of investigation

Answer.

investigation by punchayet was adopted. Disputes, however, relative to lands were generally decided by the officers of Government.

Deccan.

Question.	*Answer.*
3d. Or was it at the choice of the Magistrate?	After the parties had complained to any public officer, no option appears to have been left to them but to abide by his decision. He could either settle the affairs himself or order it to be settled by punchayet, according to his discretion.
4th. Or of the parties?	The parties had no choice after the complaint had been preferred.
5th. How were punchayets constituted?	The most respectable people were in general selected. The number of the punchayets varied from five to twenty-five, in proportion to the importance of the cause at issue.
6th. Who are eligible to it?	All castes were eligible provided they were men of good sense and probity.
7th. Were great men ever members?	Great men do not appear to have acted as members of punchayets, but persons of the greatest respectability often accepted the duty.
8th. Were there punchayets of Shastrees alone, and in what cases?	Cases which involved points of law, such as violation of the rules of classes, or doubts as to the legality of adoptions which required a reference to the Shastrees, were sometimes referred to punchayets of Shastrees alone.
9th. How were the members elected?	Persons conversant with the Hindoo law were in general chosen by the officers of Government, or the cause was referred for decision to any place where a number of celebrated Shastrees resided. In Poona, I understand, a number of learned men were kept in constant pay, for the purpose of deciding points of legal difficulty.
10th. How was a punchayet procured?	It was often procured by the parties referring the matter in dispute to the decision of friends by mutual agreement, or by complaining to the public officers of Government, and getting necessary authority for assembling the members.
11th. Was the consent of both parties necessary to one?	The consent of both the parties seems in general to have been necessary: but if the defendant perversely refused, without just cause, to agree to this mode of trial, his consent was superseded, and the authority of Government or its officers exercised in insisting upon his abiding by the decision of a punchayet.
12th. Did any officers of Government preside?	It was not customary for any officer of Government to preside.
13th. Who was umpire?	If the voices of the members were divided, one amongst them, the most respectable for his talents or integrity, was sometimes chosen as umpire; but it does not appear that any person, independent of the members, acted in that capacity, or was originally appointed.
14th. Had they ever a Shastree along with them in cases of law, and if so, was his opinion of more weight than another member's?	Shastrees occasionally sat with the other members, and their opinions on points of law had frequently more weight than other members in influencing the votes of the assembly; but in matters that come home to every man's judgment, the opinion of the Shastree had no more weight than another's.

15th.

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Question.	*Answer.*
15th. How did the punchayets procure the attendance of witnesses?	The plaintiff and defendant often brought their own witnesses. Whenever any difficulty arose in procuring their attendance, the aid of the public officers of Government was applied for.
16th. How did they act if a party failed to attend?	They suspended their proceedings, and referred to superior authority for orders.
17th. Could they decide *ex-parte*?	After taking the written consent of the parties to the punchayet, receiving the plaintiff's statement, and completing the usual interrogataries on both sides, they would then proceed to decide in the absence of either party, or if bail had been taken they would make the security responsible. If, before the proceedings had gone this length, either party absented himself, the affair was referred to the officers of Government; and in the event of the continued non-appearance of the party, he was considered to have given up the cause, and a decision was passed against him. Where the subject of the dispute was landed property, the possession given was only temporary, and the cause was deemed open to further inquiry and settlement, on the re-appearance of the person against whom it had been decided *ex-parte*.
18th. How was their award drawn up?	It contained the substance of the plaint and of the answer, and the evidence of the witnesses, an account of the documents or vouchers produced on the trial, and the reasons of the decree.
19th. Did they recapitulate the argument and the evidence?	It is already shewn that they did.
20th. Did they give reasons for the decision?	It is already shewn that they did.
21st. Where was the written award deposited?	A copy of the award was deposited with the Furnaveese or Sheristadar. The award itself was given to the person who gained the cause, and not to the opposite party.
22d. Did it require confirmation, and from whom?	The authority of Government was not essential to the confirmation of the award, but was often required to carry it into effect.
23d. Did any appeal lie from the award of a punchayet?	If either party were dissatisfied with the decision, an appeal lay to the Mamlutdar in causes that had been determined by a village punchayet. If the punchayet had been assembled by the Mamlutdar, an appeal would lie to the Sirsoobadar. In either case, if the decree had been obtained through corruption or misbehaviour of the members, or contained any flagrant deviation from justice, a new punchayet was frequently ordered.
24th. How was a corrupt member punished, if at all?	Every department of Government was corrupt in every stage of it; scarcely any point was ever gained without a bribe, or as it is expressively termed a carcoonee, or fee for the performance of service. The Peishwa himself set the example of venality, and all his officers, of course, followed it; corruption was therefore scarcely considered criminal. It was, at best, a venal fault, for which no punishment was inflicted.
25th. Were revisions ordered, and in what cases?	If the case appeared doubtful or obviously unjust, revisions were ordered by the authority to whom the appeal

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appeal lay. If the appellant came empty-handed, or unsupported by powerful friends, he would seldom be able to procure an order of revision.

Question.	*Answer.*
26th. Were new punchayets ordered on the same case, and by whom?	It has already been stated that new punchayets were sometimes ordered by Sirsoobadars if the case originated with Mamlutdars, or by Mamlutdars if it was originally decided by a village punchayet. (Vide answer to Question 23.)
27th. How was the attendance of members procured?	By means of Carcoons, Jasoosees, or other Peons sent to summon them.
28th. How were they compelled to a decision: in other words, what means were taken to prevent delay?	If they were tardy in coming to a decision, Mofussil Peons would be placed over them to expedite their proceedings.
29th. Was it reckoned a compliment or otherwise to be selected as a member?	It was considered rather flattering to be chosen a member, because the selection implied a good opinion of the individual's talents or of his integrity; but if the honour came too frequently, so as to interfere with his commercial or professional engagements, it would rather have been declined as a troublesome compliment.
30th. Was there any fixed fee to the members?	It was not customary to give any fee to the members.
31st. Or any not fixed?	
32d. Who paid it?	
33d. Was a man obliged to be a member?	A man was not in general obliged to be a member; but if frivolous or idle excuses were alleged in opposition to the wishes of a public officer, attendance would undoubtedly have been insisted upon.
34th. Or was he only obliged to attend after he had once consented?	After once consenting his attendance would be enforced, unless his absence was occasioned by sufficient cause.
35th. How was attendance compelled?	By means of Peons placed over those who were refractory.
36th. Were the parties allowed to challenge members?	Yes, before the razeenamah was completely executed, not afterwards.
37th. How were punchayets managed in the country?	Much in the same manner as in towns, but with fewer forms. The parties in petty disputes having agreed to submit the matter in dispute to the judgment of their neighbours, a few of the most respectable assembled, and in lieu of a razeenamah two straws were taken from the hands of the disputants and placed before them, in token of their assent to this mode of adjustment. Their allegations were then received, and if necessary, evidence was gone into and vouchers examined; a decision was then passed upon the merits of the case, but the decree was not in general drawn up in writing, though it occasionally was by the village Kurnum. In more important cases, on a complaint being preferred to the Potail and Kurnum, the proceedings were regularly recorded, and the award passed in the mode which has been already described; when the parties could not agree to a punchayet in their own village, the affair was referred to some place in the vicinity.
38th. Were they encouraged, or otherwise?	The natives in general prefer the mode of settlement by punchayet to any other, and no encouragement is therefore

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therefore necessary to induce them to resort to it. When the suit could be settled in their own village, the Potail readily contributed his assistance; where the cause was referred for settlement to another village, the Mamlutdar or the Carcoon was applied to for his authority: this mode of adjustment was rather encouraged than otherwise. But much positive or active zeal in promoting the dispensation of justice does not appear to have characterized the local functionaries under the Peishwa's government; on the contrary, if any thing were to be gained by taking the cause in hand, few of the public officers would have resisted a favourable opportunity of acquiring pecuniary emolument, and in such cases it is not likely that punchayets would have received their fostering patronage.

Question.	*Answer.*
39th. Who assembled them?	The plaintiff and defendant themselves, or the Potail and Kurnum.
40th. What was the power of the Potail?	The power of the Potail extended to the assembling the punchayet only; he did not interfere in the award, nor was any interference necessary in collecting the members when the parties could agree to submit to the arbitration of their friends.
41st. What is it now in this respect?	Precisely the same in causes of petty moment; in matters of importance the complaint is first preferred, either at the huzzoor or to the Aumildar, and authority is previously obtained before the punchayet is assembled.
42d. Who were the members of country punchayets?	Respectable Ryots, merchants, persons out of employ living upon their means, or others who were supposed capable of the duty.
43d. Ryots?	Yes; when sufficiently well-informed.
44th. Or Potails of other villages?	Potails were frequently members of punchayets which had to decide on boundary disputes, but seldom in other causes.
45th. How did the Potail compel attendance?	By sending out his Tullaries or Shetsundee Peons.
46th. Of members, of witnesses?	
47th. Of parties?	
48th. How did he enforce his decrees?	By order to the parties in the first instance; if this was not obeyed, by putting him under the restraint of the Tullaree or Shetsundee Peons, or eventually by summary compulsory measures. The Carcoon or Mamlutdar was applied to when no other resource was left; their interference was, of course, quite arbitrary. The person cast seldom had his property sold; but he was compelled to submit to much personal violence, amounting to a degree of torture, in being compelled to stand in one posture upon one leg, perhaps with a large stone upon his head; exposed or incarcerated, temporarily, in a small close closet, but scantily fed, and his meals given at long intervals. The reasons of this mode of enforcing decrees are sufficiently obvious. A Ryot has no tangible property but his bullocks and his implements of husbandry, which cannot be sold without risk of reducing him to the rank of a labourer, and occasioning certain loss of revenue to Government. Whatever he may have hoarded is either concealed, buried, or deposited with his relations, and it is seldom possible to discover such property except by the above arbitrary process, which, without depriving him of his liberty, or of the means of future subsistence, generally accomplished the end proposed. With us he does not suffer corporal severity, but he is often irretrievably

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irretrievably ruined by the indiscriminate sale of his effects and indefinite confinement.

Question.	*Answer.*
49th. Or by whom was he supported?	By the Aumildar and Carcoon, as above shewn.
50th. What was the next judicial authority to the Potail?	The Carcoon, or the Shaikdar.
51st. Was there any chain still higher up?	The Mamlutdar, and over him the Sirsoobadar.
52d. Had the Daismook and Daispandee any judicial authority?	Not without special authority delegated to them by the superior public officers.
53d. Was there any regular appeal?	An appeal lay from the Potail to the Mamlutdar or the Sirsoobadar;

but it cannot be termed a regular system because it rested with their discretion, without any fixed rules to receive appeals or not, as they thought proper.

54th. And to whom?	Answered in the last.
55th. What is the public feeling regarding punchayets?	The public feeling regarding punchayets is, as I have already observed, much in their favour. From all I

can gather, the people prefer that mode of decision to any other; but from the want of regular rules for preventing delay in the decision, and from the general corruption that has crept into every branch of the late administration, both fiscal and judicial, many causes do not appear to have been settled under this mode of trial, and of those a considerable number of decisions will perhaps be found to have been influenced by bribery.

56th. Are they popular with the litigants?	Generally speaking they are so; almost uniformly so with the person who is conscious of having a good

cause, and is not apprehensive that the course of justice will be perverted by means of corruption.

57th. With the members?	Attendance upon punchayets occasioning much loss of time, is some-

times detrimental to the interests of persons engaged in trade or profession. When these objections do not exist, people are readily found to undertake the office: it may therefore be inferred that they are not popular with the members.

58th. What is their real character?	Notwithstanding the prevalence of bribery and corruption throughout

the Mahratta state, and the frequency of partial and unjust decisions procured by such means, punchayets have in general upheld their character of integrity. Awards for the most part are in conformity with the Hindoo law and established custom; the recapitulation of the plaint, the answer, and the evidence in the few decrees which I have seen, has been drawn up succinctly, but clearly; and the reasons assigned for the decision have been equally solid and perspicuous.

59th. As to intelligence? 60th. As to honesty?	Intelligence is implied in the last answer. Evidence is weighed and compared; exhibits are duly examined and considered; and the decree is on a plurality of cases just and impartial.

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Question.	*Answer.*
61st. Is the attendance so much felt as to be grievous?	This has been already shewn to be the case. In some instances the best mode of obviating evil is to elect the members as seldom as possible from the trading and manufacturing classes, or at all events to take care that the duty fall upon individuals only in rotation, so that their time may not be occupied in such a degree as to occasion pecuniary loss to them. All unnecessary harshness in compelling attendance must obviously be avoided, lest we give disgust to the members. Wilful neglect to attend after the punchayet is constituted, must, however, be punished by fine: not only with a view to expedite the administration of justice, but to prevent the inconvenience to which the other members will be liable from the unnecessary prolongation of the sittings of the court.
62d. Does serving on punchayets give habits of litigation?	This effect has not been found to proceed from punchayets. Habits of litigation are not likely to be learned from serving as a member of a tribunal, whose interest it is to bring causes to an early adjudication, and whose character for respectability is concerned in the impartial settlement of the affair in dispute. The spirit of litigation does not much exist, I think, amongst the natives under their own government. It is little observable, except in those parts of the country where our own courts are established: there much fraud, perjury and chicanery have been introduced; and intriguing Vakeels, with the aid of voluminous regulations, often succeed in perplexing and confounding what would in itself be simple and intelligible, and by these means influence the erroneous decisions of judges, who do not always possess a knowledge of the language sufficient to enable them to comprehend all the niceties and windings of a difficult and intricate subject.
63d. What were the other modes of trying causes besides punchayets?	Causes were frequently decided upon the oaths of the parties, by compromise, or by the arbitration of an umpire mutually agreed upon.
64th. Who were the judges in the town and country?	In villages the Potail and Curnum; in large towns the Mamlutdar and the Sirsoobadar.
65th. What were the powers of great and small Jagheerdars.	The powers of great Jagheerdars do not appear to have been limited; they extended to life and death, and, as far as I can learn, were entirely discretionary. The smaller Jagheerdars, when independent, as many of them seem to have been, exercised similar authority; others were subordinate to the Sirsoobadars, and had no power but what he may have delegated to them.
66th. Enamdars?	Enamdars of considerable villages seem also to have exercised discretionary powers, with very little control on the part of any superior authority. The lesser Enamdars had no powers whatsoever.
67th. Were there any regular courts?	I have heard of no regular courts except at Poona, of which it is needless for me to speak, as my information must necessarily be less accurate than that which is procurable on the spot. A person of the name of Dhondo Nursim stood appointed at Darwar to the office of Neeajee Dhees, or chief justice, with a monthly stipend of three hundred rupees, and an establishment of four Peons, a horse, and an oftabgeer, or parasol, which he held till Trimbuckjee Dainglia got the management, when it was discontinued. The duty of taking down the depositions of parties in suits was confided to this officer, but it extended no further. The final settlement of a cause, either directly by the Mamlutdar or the Sirsoobadar, or through them by a punchayet, afforded an opening to them to participate in the chose in action, which they never vouchsafed to forego in favour of the chief justiciary.

68th.

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Question.	*Answer.*
68th. How constituted and composed?	The court of the Neearje Dhees has already been described.
69th. How named?	Vide *supra*.
70th. Where held?	There was no separate court-house established here. (*Sic orig.*)
71st. What were the forms of process and pleading?	The forms of process included the plaint, answer, reply, and rejoinder, agreeably to the rules of Hindoo law as they are modified by the practice of the country.
72d. Were there any written pleadings?	These pleadings were, as has been already observed, taken down by the Neearjee Dhees, and handed to the Furnavees whenever called for.
73d. What was the course from the commencement to the decision of a trial?	As there was no regular court, no proceedings from the commencement to the decision of a trial are forthcoming. When decided by the Mamlutdar or Sirsoobadar the trial was, I presume, extremely summary, and as it would not always bear examination, it is not likely that many details respecting it would be placed upon record.
74th. What was the form of process in all cases before Judges or punchayets?	On a complaint being preferred to a public officer empowered to take cognizance of it, one form of process observed was as follows.

The prosecutor's plaint, here called waka, wherein he sets forth the whole ground of action, was first taken down and duly considered; the defendant was then summoned, and the substance of the plaint being read, he was called upon to plead to the action; which having done, either specially or generally, his answer was recorded at full length. If at this stage of the proceeding the Judge had acquired a sufficient insight into the merits of the case, he at once decided upon it; if he had any doubt or difficulty in coming to a decision, he took an engagement from the parties, binding them to submit to the award of a punchayet, and in important cases caused security to be given for the fulfilment of the award. Where the dispute regarded an estate, or the title to the possession of it appeared extremely disputable, the estate was ordered to be placed under sequestration till the right was determined.

A punchayet was next ordered to be assembled, at such place as the litigants might agree upon: the plaint and answer which had been previously recorded, together with the razeenamah of the parties, was referred to this tribunal.

Another mode of process was to refer the affair to be settled by punchayet as soon as the complaint was preferred, without any part of the proceedings being gone into by the Judge or public officer.

The punchayet commenced its proceedings in a form similar to that which has been already described, by taking down the plaint and the answer, and when it was thought necessary, by causing security to be given for the execution of the decree.

The plaint and the defendant's pleas were then taken into deliberate consideration, after which the plaintiff was called upon for his replication, and the defendant for his rejoinder. The vouchers and evidence produced by both parties were then examined, and recorded or not, according as the nature of the case demanded. After a full hearing the punchayet passed their decision, affixed their signatures to it, and delivered it to the party in whose favour the suit was adjudged. The documents connected with the trial were sometimes lodged with the public officers of Government, but not always so.

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Question.	*Answer.*
75th. Were Vakeels allowed?	It was not customary to employ Vakeels, but the parties litigant were at liberty to employ agents to conduct their causes for them.
76th. Is it a trade, or did relations and common Carcoons in a man's service do the business?	No such profession exists: a Carcoon or a relation did the business.

77th. Would much inconvenience result from prohibiting the employment of Vakeels?

The prohibition to employ Carcoons might be productive of much distress to individuals, whose personal attendance might be highly inconvenient. The employment of Vakeels as a trade ought, however, in my opinion, to be prohibited. The advantages which are supposed to follow from the Vakeel's being able to set forth in a clear point of view all the merits and bearings of a case, are, in my opinion, more than counterbalanced by the mischief they occasion; they are great exciters of broils, and acquire, after some practice and experience of our code, much skill in embarrassing and entangling judicial proceedings.

They serve greatly also to enhance the expenses of our courts of judicature, and on this account alone may be considered a grievous evil, which has been found to excite the litigiousness of persons possessing very slender claims, who have entered upon actions in the hope that the uncertainty of the result and the certainty of the expense might deter parties from defending even just rights.

78th. Were the friends of the parties allowed to be present on trials, or was the court open?

It has been already shewn that no regular court existed. Free access to the public was in general allowed in the sittings of punchayets; but the friends of the parties were sometimes excluded, lest by communicating to witnesses what had passed in the course of the trial the proceedings might be baffled or interrupted.

79th. How were defendants summoned?

By an order to the Potail and Curnum through the Mamlutdar, or by a written order to the defendants themselves, stating that a complaint had been made against them, and requiring their presence.

80th. How witnesses?

If the witness belonged to the same village or place where the court was sitting, a Peon would be sent to bring him; if in another village, an order would be written to the Potail to send him.

81st. In what cases did judgment go by default?

If the defendant neglected to make his defence, or obstinately refused to do so, the punchayet would give judgment against him; much indulgence, however, seems to have been allowed in such cases, and in general the court would have postponed the trial till the defendant appeared and put in his plea.

82d. Were great men obliged to attend as defendants?

Great men were not obliged to attend as defendants: a Carcoon on their part appeared to make the defence; but if the settlement of the cause could not be effected without the presence of a great man, he would be invited in the most respectful way to give his attendance.

83d. As witnesses?

Nor as witnesses. Interrogatories were written, and sent to a great man to be answered. If he were an independent chief even this mode would be deemed derogatory to his dignity, and in such case a Carcoon, attended by the plaintiff and defendant, would be deputed to wait upon him for the purpose of receiving his testimony.

84th.

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Question.	*Answer.*
(Sic orig.) 84th. If they did not attend, how was their attendance procured?	*Vide supra.*
85th. Was giving evidence in itself considered degrading, or only from its requiring attendance?	Attendance would have been considered degrading to a man of great consequence, and giving written evidence also, but in a less degree; the verbal testimony of an independent chief would have been considered sufficient.
86th. Was evidence ever taken down, and when?	In affairs referred to punchayets it has been already observed, that evidence was frequently taken down, but not uniformly so.
87th. Were oaths required from witnesses in civil or criminal causes?	The taking of an oath on trifling occasions was extremely repugnant to the Hindoo prejudices, and is prohibited by their laws. It was on this account, I presume, that oaths were not in ordinary cases required from witnesses. In affairs of great importance, the tone, manner, and character of a witness, and the consistency of his evidence were weighed and considered, and oaths were administered only when doubt or suspicion of the truth appeared to render it necessary to put the veracity of a witness to this test. The frequency with which, under our system, wea dminister oaths in the most trivial cases, is probably, in a great degree, the cause of so much perjury and such a total disregard of truth, which is generally supposed to characterize the natives of India.
88th. What were they, and how administered?	The usual mode of administering an oath to a Hindoo is to place a few leaves of the toolsee in his hands and some pure water: the oath is then taken, and the leaves and the water put into the mouth. The ceremony is performed by a Brahmin, and the water is contained in a copper vessel. Particular castes receive the oath from the hands of a Jungum, with some slight difference, in the form of a ball of burnt cow-dung, with other ingredients being substituted for the toolsee, and the forehead rubbed with it. In administering the oath to a Brahmin the copper vessel with the water is put entire into his hands: the oaths to Mussulmans are too well-known to require any description.
89th. How was perjury punished?	There was no fixed punishment for perjury, the discretion of the ruling authority regulated the extent of it.
90th. What oath is most binding?	The most binding oath upon one class has no efficacy with another. The mode of taking oaths depends upon this distinction: the invocation of the express name of the particular god or deity of each class is reckoned most impressive and binding upon the conscience
91st. Are oaths much regarded?	Oaths were not commonly administered here under the late Government, and my own experience is too limited to admit of my expressing a decided opinion as to the degree in which oaths are regarded. There is nothing, however, in the consciences of the people of this part sufficiently tender to lead me to think that they will start at the violation of an oath more than the inhabitants of our old territories: indeed, I have already observed that the Mahratta Brahmins, when prompted by revenge, jealousy, or enmity, are not more remarkable than our old subjects for strict veracity. In many cases false evidence is considered meritorious.*

92d.

* Vide the 8th chapter of Munoo's Institutes on Judicature and Law, paragraphs 102, 103, 104, &c. &c.

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Question.	*Answer.*
92d. Did a suitor pay any fee to Government, and what?	In simple suits for debt no fee was levied; in any affair of magnitude, or in a dispute relative to titles to estates, a nuzzerana, amounting to nearly one-fourth of the property, was taken from the complainant on the suit being referred to a punchayet.
93d. Did a defendant, and what? Did the party which lost pay any fine, and what?	The party that lost his cause paid a fine, the amount of which was discretionary.
94th. How were defendants and witnesses subsisted if kept away from their villages on a trial?	Defendants found their own subsistence. It was not usual for witnesses on ordinary occasions to leave their homes, and to proceed to any great distance to give their evidence; it was more commonly obtained by means of letters. Whenever they did proceed from home for that purpose, the party by whom they were summoned paid them.
95th. How were disputes about succession settled?	In general by punchayets, according to the rules of Hindoo law and the practice of the country. Property is divided equally amongst the sons; the law of primogeniture, which reduces to dependence all the younger branches of a family in order to aggrandize the eldest, is contrary to the more equitable but equalizing spirit of the Hindoo code.
96th. If by punchayets, of whom did they consist?	The punchayets consisted of people of the same class and of other classes united.
97th. How were boundary disputes settled?	One mode of settling boundary disputes was by a punchayet, which was formed of some of the Potails and Curnums, Zemindars, and the Bara Bullottee of several of the surrounding villages. The punchayet came to a decision on a review of the accounts of the respective villages; on the testimony of the old inhabitants of the vicinity; on proof of the time during which the disputed ground had been occupied by either party; and on such other evidence as was procurable. Another mode of settlement was by a sort of oath or ordeal performed by one of the parties. The ceremonies observed on these occasions partake of the Hindoo rites. This ordeal was performed in several different ways. A large clod, consisting of equal parts of the soil of each boundary, was kneaded together with some of the milk of each village by the hands of the potter, and the addition of cows' dung and urine, honey and clarified butter, gave consistency to this heterogeneous mass, before which was placed an offering of flowers. The Potail who was about to take the oath then had his head, eyebrows, and upper lip clean shaven, went through his ablutions, and was invested with a garland of flowers, which was placed round his neck. The prepared conserve of earth was then placed upon his head, and he commenced walking towards a flag which he had previously erected for the purpose of marking what he conceived to be the extreme of his boundary. If the clod crumbled to pieces in the way, if a snake crossed his path, if his foot was pricked by a thorn or any thing else that drew blood, or if any accident happened (which, according to stipulation previously drawn up, should not happen) he lost his cause; but, on the other hand, if he carried the clod unbroken without the occurrence of any of these accidents, he gained the disputed ground. The second mode of deciding the dispute was by the ordeal of boiling oil. A ring was cast into the vessel containing it, and the party consenting to this mode of trial having first performed his ablutions in due form, drew out the ring with his naked hand: if he escaped unburnt he won, if burnt he lost the land. A third mode of settlement, where the question was of little importance, was by one of the parties walking over the land with a little of the mould of

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of the disputed boundary upon his head. This was considered equivalent to a solemn oath; and having taken it, the opposite party relinquished the land.

A fourth mode was by following nearly a similar process: nine different species of grain being carried in the lap, or in the end of the vestment, which was considered equally binding, the prescribed ablutions being previously gone through.

Question.	*Answer.*
98th. Were they frequent?	Extremely so; they are still of almost daily occurrence. I have a cause of this sort which is now suspended until a legal difficulty is solved; the consecrated clod was prepared, but broke whilst the party was putting before it the oblation of flowers. It is now a moot point, to be decided by a punchayet of elders, whether the whole ceremony was vitiated by the breaking of the mass before it was placed on the head of the litigant; or whether he has lost his cause, the badness of which his antagonist maintains is clearly substantiated by the evidence of the clod, which has thus spoken conviction for itself. The other in reply alleges, what seems not improbable, that the persons appointed to prepare the clod were bribed to omit some of the leaven necessary to correct its tendency to fragility, and so the parties are at issue.
99th. How were disputes about caste settled?	They are settled by the caste people themselves; sometimes by a punchayet, sometimes without.
100th. Are there any heads of castes who settle disputes?	There are heads of all castes who settle disputes; not exclusively by their own sole authority, but in conjunction with the most respectable members of the caste, preceded by the Shittee Gunachoree, whose office will be described in the sequel.
101st. Or is it done by punchayet?	It is done by punchayets when the affair cannot be compromised by the principal of the caste people. The practice of settling disputes through the heads of caste appears well calculated to preserve the morals and discipline of the different classes. No regulation seems better adapted to prevent relaxation in this respect; the fear of public censure, or of excommunication from the society of their fellows, is of all others the best preventive of ill conduct that can be invented. The abuse of authority by the head of classes can be prevented, and its salutary use will always be attended with manifest advantages.
102d. Who summoned them?	The Potail and Curnums summoned village punchayets; in towns, the Mamlutdar, the Carcoon, and the Sirsoobadar. Any principal head of a caste of great respectability had also authority to summon punchayets.
103d. What regulations were they under?	There do not appear to have been any fixed regulation beyond the general observance of the rules of the Shastrees, and the practice of the country.
104th. Did the Government interfere, and how far?	The Government was concerned in summoning the punchayet, but did not interfere with its proceedings.
105th. Did the Government ever listen to complaints for wrongful expulsion?	The Government would inquire into such complaints, and if the expulsion were unjust would order redress to be afforded.
106th. How did a poor man recover a debt or obtain redress from a rich or a powerful man?	The poor man had few means of recovering the debt, unless he could obtain the aid of some powerful chief who had influence over his debtor. By

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Answer.

By complaining to superior authority he sometimes got redress; or by dint of incessant importunity, and by throwing himself on the threshold of his debtor and refusing to stir, he sometimes succeeded in obtaining reparation. This is the well-understood practice of sitting in dhurna.

Question.	*Answer.*
107th. If there was no resource for a poor man against a powerful man, what prevented the utmost oppression, such as was certainly not exercised in this country?	The utmost oppression was not perhaps common, but individual instances of it were not unfrequent. The natives however, in their dealings with each other, are in general upright and honest; and a sense of propriety would induce a powerful man to settle the just debt of his inferior, if he had the means of doing so, out of regard to the respectability of his own character. Poor men often sought the protection of some patron, who interceded in their behalf, and espoused the cause of his client as far as his influence and ability extended. This in some degree set some limit to oppression.
108th. What protected him in towns; what protected him in villages?	In towns the Sirsoobadar or the Mamlutdar were looked up to for protection; in villages it was naturally sought from the Potail, the Curnum, or the Carcoon.
109th. How far did dependence on great men, or connexion with their dependents, protect people?	Dependence on great men, or connexion with their dependents, contributed greatly to the protection of individuals. The extent of this protection depended upon the power and consequence of the patron.
110th. How far could Jagheerdars, Mamlutdars, or even court favourites, interfere in the administration of justice?	Great Jagheerdars had full powers within their own limits; Mamlutdars had also extensive authority. The Government being excessively venal, it may be presumed that court favourites would have many opportunities of influencing the decision of causes. On this point, however, my information is very scanty; the query will be best answered at Poona
111th. Could any great man try a cause or order a punchayet; if not, what prevented him?	Great men within the limits of their jurisdiction tried causes at their discretion, or referred them for trial to punchayets. If the complaint were made direct to the Peishwa or his minister, I understand, it was sometimes taken up and an investigation was ordered.
112th. Could one judge or one great man try a cause which another had tried?	If the decision appeared manifestly exceptionable, the cause, on appeal to superior authority, would be referred for a second investigation. However just the decree, a similar course would be adopted if the appellant supported his appeal by the weight of argument of a bribe.
113th. What was the practice in good times: those of Nana Furnaveese, for instance?	I cannot find that there were any established rules, any *lex scripta* on this point in the time of Nana Furnaveese. The administration of the Government in all its parts was better conducted in those days, and justice is said to have been impartially dispensed by the superior as well as the inferior local functionaries. It is chiefly since the introduction of the system of farming out the districts that abuses in every department have been so notorious, the melancholy effects of which are deplorably manifest in the exhausted population and resources in some districts that had once arrived at a highly flourishing and opulent condition.

114th.

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Question.	*Answer.*
114th. What were the principal changes in Bajee Rao's time?	The introduction of the farming system seems to have been the principal innovation. The delegation of authority to interested Mamlutdars became a fertile source of oppression, tyranny and extortion, districts being given to the highest bidders, and often sub-rented in many gradations. The farmer adopted every expedient to enrich himself during the short period of the continuance of his lease. It could not be expected that commerce or manufactures could flourish, or that much improvement could be made in agriculture under such a system; we accordingly find that whole districts have been ruined and nearly depopulated, the inhabitants of which have sought refuge in the lands of the neighbouring chiefs, whose estates have greatly benefited by the improvident and impolitic conduct of the Peishwa's Government.
115th. How were obstinate debtors compelled to pay?	Mofussil Peons (or Baiffs) were placed over debtors, who were kept in severe durance, and subjected to much personal inconvenience till they acquitted the debt. If it could not be obtained by these means, the authority of Government was applied to for the recovery of the creditors' dues.
116th. If great men?	By the interference of the ruling authority.
117th. If ordinary?	By the assistance of the public officers.
118th. Was imprisonment for debt practised?	People were often put in arrest in their own houses; but they were seldom imprisoned, unless the creditor was a man of considerable authority and influence.
119th. Were any obliged to serve their creditors, and who?	If the debtor was a person of low degree, and quite unable to pay, his personal service was sometimes exacted. The creditor in this case provided for his subsistence.
120th. Were children and families kept as hostages for debts?	They sometimes were, but the practice does not seem to have been frequent in this part of the country.
121st. Were bankrupts set free from all their debts?	In a case of bankruptcy the creditors assembled, and by an inspection of the bankrupt's books, ascertained what was the cause of his failure. If there was nothing fraudulent in his conduct, his property was divided, and he was set free.
122d. What constituted a bankrupt?	On his stopping payment his creditors assembled, as has been already stated, and examined his books and ledgers. The ceremony was conducted in the day-time by the light of a lamp, which was equivalent to a public indication of his insolvency.
123d. What checks against fraudulent bankruptcy?	In cases of fraudulent bankruptcy, on the fact being established, any property that the bankrupt afterwards acquired would be liable to be divided amongst the creditors, and the bankrupt would be subjected to fine and such other punishment as the Government thought proper.
124th. What seem to have been the great subjects of litigation?	Simple contract debts, boundary disputes, and division of property on the separation of families.

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125th. Are new ones appearing since the introduction of our Government?

None have come under my observation.

126th. Was there any code of laws, or any law books of acknowledged authority?

The Shasters of the most acknowledged authority were, Digest of Hindoo law composed by Rignianesureree, and a treatise on law called Puraserumadhawee.

127th. If, as seems to be the case, the Mahratta practice differs from the Hindoo law, how was the difference introduced by the Mahomedans?

The Mahratta practice differs from the Hindoo law in not inflicting capital punishment upon women. I do not know how the difference has arisen, but in cases of atrocious murder this extreme lenity in favour of the sex does not appear to be founded on any judicious or solid reason. I have not heard of any other very material variations; drinking and smoking are vices, it is said, of recent introduction. It was not formerly lawful for marriages to be consummated before females arrived at the age of puberty, nor was it legal to marry widows, who were forbidden to enter into second nuptials; both seem to be innovations of modern date.

128th. Are Mahomedans allowed the benefit of their own laws, either in civil or criminal cases?

They were in all civil cases, but in criminal cases no distinction was made between Hindoos and Mussulmans.

My answers to the above queries on judicial subjects are necessarily framed in terms very general. It will not, I hope, be inferred from any thing I have said, that there was a regular administration of justice in this part of the Mahratta country. The whole of the districts were parcelled out either into jagheers or mamlutdarees, in each of which the means of getting redress for injuries depended mainly upon the temper and disposition of the chief local authority, where the will of an individual is substituted for law; and where the whole principles of government, from the fountain-head, were corrupted, the dispensation of justice necessarily became a source of emolument, either to the chief functionary of the district or to their principal officers. No interference on the part of Government could correct this abuse, had it been attempted, in the instance of many of the Jagheerdars, who were in a great degree independent; and as long as a Mamlutdar satisfied with regularity the demands of Government, he ran little risk of being called to a strict account for encroaching on the rights of individuals, or for neglecting to afford them redress for civil injuries. It would not often have been safe for an aggrieved person to have complained against a Mamlutdar or Sirsoobadar, as long as the latter continued to conduct the affairs of his district to the satisfaction of Government; the public officers would generally be considered in the right, the complainant in the wrong, and, on his return to his home, would be liable to the utmost resentment of his oppressor for having dared to oppose his exactions. The Jagheerdars were, as has been already observed, nearly absolute within their own lands; they were a powerful aristocracy, whose jurisdiction knew no limits but such as were dictated by prudence and self-interest. Most of them had long been in a state of doubtful obedience to the Peishwa, whose authority had gone much to decay; their subjects, therefore, had no remedy against extortion but that of attaching themselves to the chief, and submitting their lives and their properties to his arbitrary discretion. It is creditable to many of the Jagheerdars that this power has been exercised with much moderation; others, again, were guilty of the grossest acts of oppression and tyranny, the effects of which are now sufficiently apparent in the ruinous and depopulated condition of their estates. It would, however, be idle to expect any regular dispensation of justice in any country where the civil jurisdiction and the military power are in the same hands. Abuses such as have been described are not peculiar to the Peishwa's government; all Indian governments, since the conquest by the Mahomedans, have been alike, with some shades of difference, in their mal-administration or their efficiency, which have always varied according to the personal character of the reigning prince. Formal acts of legislation are inconsistent with despotic power, which can

can seldom submit to be restrained by declared and received laws. The old Hindoo Government may have been more patriarchal: but even this position may be questionable, since it is the inherent principle of unlimited power that it must be abused. We have, however, few traces of their legal or judicial institutions except the punchayet, which, from its resemblance to the trial by jury, is well deserving of being brought again into active operation, and which, restored to its original purity and efficiency, must always have manifest advantages over our more cumbersome and artificial institutions of zillah courts.

Criminal Justice.

Question.	*Answer.*
1st. By whom was criminal justice administered?	By Potails, Curnums, Mamlutdars, and Sirsoobadars.
2d. What were the limits (whether defined or otherwise) of the powers of each person concerned in the administration of it?	The powers of the above persons were no otherwise defined than that they had not the authority to inflict capital punishment; they placed criminals in confinement, in irons, or in the stocks, and punished them corporally *ad libitum.*
3d. Who had power of life and death?	This power was delegated to the officers who held the mootalig, sikka, and kutta, to officers holding great military commands, and in recent times to Sirsoobadars.
4th. Who had cognizance of serious crimes not capital?	Mamlutdars, Sirsoobadars, and Potails.
5th. Who, of petty causes, assaults, abusive language, calumny, &c.?	Potails, Curnums, Carcoons, and Mamlutdars.
6th. What were the punishments for each crime; murder, treason, theft, robbery, rape, &c.?	The crime of murder, if committed by persons of rank and opulence, was punished by heavy fine only, or confiscation of goods; atrocious murders by

the gallows, except when the offender was a Brahmin, in which case he was punished by twenty or twenty-five years' imprisonment. On occasions of public rejoicing, such criminals were sometimes I understand released, and sent on a pilgrimage to Benares to expiate their sins: women guilty of this crime were put in confinement for a short period, and afterwards released, with the loss of their ears and noses.

Treason or rebellion does not seem to have been considered so serious a crime as in Europe; it was punished by imprisonment and confiscation of the property. If the rebel was a person whom it was considered proper to conciliate, his estate was restored on the payment of a nuzzer. If no consideration prompted this indulgence, he was kept in confinement and his lands were resumed; or if an example was judged necessary, he was blown away from the mouth of a gun. Rebels of inferior degree were punished by imprisonment or fine, or were released upon bail, or their property was confiscated. If any apprehensions were entertained that they would again excite disturbances, they were hanged with very little ceremony, or were turned adrift with their ears and noses cut off.

Highway robbery was punished in various ways, by confinement, and exposure for months in the stocks (by which a lingering death often ensued), imprisonment in irons, by mutilation, and occasionally by death. Corporal punishment was at intervals inflicted till the property robbed was restored, and security being taken the criminal was released. There seems to have been no determinate penalty, it varied according to the degree of the offence and the discretion of the local officer.

Rape was punished by confiscation of goods, unless the offender were a Brahmin or a person of some rank; in that case he would probably escape with the payment of a fine only. A Brahmin who committed a

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rape upon a Brahminee woman would, in addition to fine, be liable to expulsion from his class, but might be restored after performing the prescribed ceremonies of purification. A person of inferior class committing a rape upon a Brahminee woman would be liable to mutilation, or even to capital punishment. A Brahminee woman of her own accord going astray would be repudiated and excommunicated; women of the Soodar and other castes were liable to fine for their lubricity.

The husband, however, often bore the misfortune with resignation; but if unable to submit to it, he tore the end of her garment in token of eternal separation, "*a mensâ et a thoro*," and dismissed his slippery helpmate. Married women cohabiting with Mussulmans were expelled from their class. Women of all classes (except the Brahminee) might be restored to their caste on passing through the requisite purifications, according to the particular customs of the class to which they belonged; always provided the proper fee or nuzzer were paid to the Circar, which neglected no source of profit, however low and despicable.

For crimes of whatever magnitude the opulent and powerful not uncommonly eluded the vengeance of the law by the purchase of impunity.

Question.	*Answer.*
7th. Were they regulated by the Hindoo law or by custom?	Penalties were regulated partly by the Hindoo law and partly by the established practice of the country. Political expediency, however, frequently determined the measure of punishment.
8th. Were there any forms of trial in criminal cases?	No forms were observed on the examination of a prisoner; the opinions of the principal people present would probably be consulted as to his guilt or innocence.
9th. Were punchayets used?	Punchayets do not appear to have been used in criminal cases in this part of the country.
10th. Were Shastrees consulted, and on what subjects?	In cases of capital crimes, when any doubt existed as to the guilt of the prisoner, or any thing appeared in a legal point of view to palliate the crime, Shastrees were consulted. They were also referred to in doubtful questions relative to purification from defilement and restoration to caste.
11th. Who tried offences against morals, adultery, fornication, drunkenness, &c.?	Village Potails, Curnums, Mamlutdars and Sirsoobadars took cognizance of such offences, and sometimes the heads of castes.
12th. Were there any punishments for such offences?	The mode of punishment for adultery has been already shewn. Simple fornication was considered a venial trespass upon good morals, and does not seem often to have been visited with any penalty except fine, Drunkenness was punished by fine.
13th. Were they tried by the caste, and if so how were they punished?	Fornication and adultery were tried by the caste; the punishment has been already shewn. The powers of heads of castes will be treated of hereafter.
14th. Was the confirmation of Government required to the decisions of the castes?	Yes; they were not considered final till they were confirmed by the public officers of Government.
15th. What was the usual mode of execution for all crimes?	There does not seem to have been any defined mode or form of process for carrying punishments into effect. The

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Answer.

The punishments themselves have been described; they were in general publicly executed, but without much ceremony.

Question. 16th. What of imprisonment?

Answer. Imprisonment was either simple or in irons: subsistence was found the prisoner. People of respectability were confined, but not disgraced. Persons of high rank were placed in arrest in their own houses. Robbers, thieves, &c. were put in the stocks. Great criminals were imprisoned in hill-forts: solitary confinement was sometimes practised. Brahmins were treated with much lenity, their irons being usually taken off when they went to their meals.

Police.

1st. A precise account of the Mahratta system of police?

An outline of the Mahratta system of police may be drawn in a few words. It was conducted in the villages by the Potail and the Curnum; under them by the Tullaries and Shetsundees, or local militia; and in large towns by the Sebbundee establishment, assisted by the Tullaries. On the occurrence of a robbery or other crime a general search was made after the offenders, who were also followed by means of the impression of their footsteps. When this impression was distinctly traced to a village, it became the duty of the Tullarie of that village to pursue the criminal. When the print of his feet could not be traced any further the last village was held responsible; and if the stolen property was a horse, a bullock, or other animal, the villages were bound to make good the value of it; and they, in their turn, held the Tullarie answerable to the extent of his means. In cases of burglary or robbery, however, the villagers were not compelled to make good the stolen property, unless the party robbed was a man in power, who had sufficient authority to procure for himself indemnification. The heads of the village were not released from their responsibility until every exertion had been made to discover the robbers; in default of which they were often fined, and subjected to some personal restraint and inconvenience. The description of police servants called Ramoossees, which exist in some part of the Mahratta territory, are not to be found in the Carnatic; nor is the system of rowullee, which prevails on the Ceded Districts, in use in this quarter.

2d. A detailed statement of the present plan of police?

The present system of police is conducted in most respects on the principles established for the territories subject to the Government of Fort St. George. Its duties are performed by the heads of villages, assisted by the village watchmen, the Shetsundee Peons or local militia, by the Aumildars of the districts and the Carkoons placed under them, with the assistance of their Peshkars, and establishments of Muhall Sibbundee, or revenue Peons, and the Kashana or military Peons. Kotwalls, with a small establishment of Peons, are kept up in the chief towns to preserve the peace and to assist travellers in procuring supplies.

It is the province of the heads of villages to pursue and apprehend all criminals, and when secured to forward them without delay to the Aumildar of the district, and to report all the robberies and other crimes that may occur within their limits. Under their authority the Tullaries discharge the customary duties assigned to them, and are held peculiarly responsible for the discovery of offenders who have committed crimes within their limits. For neglect of duty or connivance at robberies they are dismissed, or otherwise punished; on the other hand, rewards are occasionally bestowed for meritorious exertion. All crimes of a heinous nature ascertained by the police officers to have been committed are reported monthly to the huzzoor petty officers, such as assault, abusive language, &c., are punishable by the Aumildars by fine, nor exceeding two rupees, and twenty-four hours' confinement. Offences against good morals, such as violation of the rules of caste and the rights of marriage,

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adultery and fornication, are generally settled by punchayets of the caste, or by the spiritual heads of tribes, and do not properly come under the cognizance of the police officers.

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Question.	*Answer.*
3d. Who was at the head of the whole police of the country, under the late Government?	I am not sufficiently informed to state whether any general Superintendent of the police of the country was appointed under the late Government

at Poona. If such an officer existed, his jurisdiction does not seem to have been often extended to the districts, the whole of which seem to have been under the Sirsoobadars, except when their authority was occasionally superseded by the Tuppussnuwess, whose office will be spoken of hereafter.

4th. What were the powers and duties of village watchmen?

It was incumbent on the Tullaries to inform themselves of the arrival and departure of persons at and from their villages; to go the rounds at night; to watch the crops at harvest time; to trace and apprehend thieves and robbers, and to report to the Potail regarding all suspicious characters. The Tullarie, from the nature of his duties, and from his intercourse with all classes of the inhabitants, by whom his means of subsistence are partly contributed, must necessarily be well acquainted with every thing that passes in the village, and with the character and way of livelihood of every individual. When he does his duty, no person is so well calculated to contribute to the efficiency of the police department; but he is often a great thief, and is frequently concerned in every species of robbery, in which, from his connexion with thieves, and from his knowledge of the circumstances of substantial merchants, he is eminently proficient and successful. The power of the Tullarie is quite subordinate; it does not extend beyond that of seizing and securing delinquents.

5th. Of the Potail, Koolkurnee, and Shaikdar?

It was the duty of these officers generally to preserve the peace of their villages, to secure and apprehend offenders of all sorts. Thefts and robberies were frequently punished by them at their own discretion; they discharged all the other duties of the police department without much interference on the part of the Mamlutdars. Great latitude of authority in inflicting summary punishments was allowed them; but, on the other hand, they were proportionately considered responsible for the prevention of crimes and the detection of criminals. The authority enjoyed by the heads of villages led to much abuse, for they often harboured and protected thieves and robbers.

This consideration renders it inexpedient that it should be continued; at the same time it must be acknowledged that the latitude of discretionary power delegated to them contributed essentially to the maintenance of a police which, on the whole, is considered to have been sufficiently vigorous.

6th. Of the Daismooks?

The Daismooks do not appear to have had any defined authority in police matters. If any disturbance arose within the districts, the Daismooks assembled the inhabitants of their enam villages, and under the orders of the Mamlutdars contributed their assistance in suppressing such disorders.

7th. Of Daispandees?

The Daispandees were placed under similar circumstances.

8th. Of Mamlutdars?

The authority of the Mamlutdars has been already briefly described; they had not the power of life and death, but it was in other respects unlimited.

9th. Were there any more links in the chain of police authority?

The last link was that of the Sirsoobadar, who had the general controlling and superintending power.

10th

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Question.	*Answer.*
10th. What was the office of Tuppusnuvees?	The office of Tuppusnuwees, or police superintendent, appears to have been only partially established. It was given to men of great respectability, who were entrusted with full powers on the occurrence of robbery. The villages in the vicinity were compelled by the Tuppusnuvees to trace it; or sometimes, for neglecting to do so, to make good the loss sustained. The Tuppusnuvees was held responsible by Government. In the apprehension of criminals, the Sirsoobadars, Mamlutdars, and the inferior police officers were enjoined to aid him, and were prohibited from throwing any obstacles in his way. This, like all other offices, was open to abuses and corruptions. Mamlutdars and others often feed the Tuppusnuvees largely not to interfere within the precincts of their jurisdiction.
11th. What was the plan of police in the best times of the Government?	The plan of police appears to have been the same; it was conducted through the agency of the village and district establishments. Its efficiency is said to have been conspicuous in Tippoo's time, and during the administration of Purseram Bhow and Nana Furnaveese The Government itself was then more vigorous and less corrupt, and every department partook of the energy of the superior authority.
12th. What changes were introduced in latter days?	After the death of Nana Furnaveese, the system of renting out the districts was introduced. From that period may be dated the commencement of disorder, decay of the revenue and resources, and the general misgovernment of the country.
13th. What is the general state of the police, good or bad?	If the reports received from the Aumildars of crimes committed and of criminals apprehended furnish an accurate statement of all the delinquency that really takes place, the general state of the police may be considered good. I fear, however, that the heads of villages have not been brought to observe much regularity in making their reports to the Aumildar, and the returns of the Aumildars to me do not therefore, in my opinion, afford data sufficiently accurate to enable me to form a correct judgment as to the efficiency of the police system. On the whole, however, I think I may safely say that crimes are less frequent here than in our old territories. This, however, may partly be ascribed to the circumstance of the inhabitants here being of a more hardy disposition, being better armed, and more accustomed to protect themselves and their property. Our Government too is new, and the people at present stand in awe of it. This will, I fear, wear off, and I apprehend our punishments of confinement and labour will soon lose their effect in deterring criminals from the commission of robberies. They begin to understand and think that with the regular subsistence and the comfortable blanket they get in jail, they are better off than they would be in their villages.
14th. What is the pay of village watchmen?	It varies in almost every village. From two to four rupees monthly may be about the usual income of a Tullarie, but the information in my possession is too imperfect to admit of my stating the average.
15th. What is the precise way in which it is paid, land, money, or fees; and by whom?	Their allowance is paid from several sources. A piece of enam land is assigned to them, in addition to which they enjoy fees and perquisites, under the denomination of mera wurtuna and kolf. The two first are paid partly in money and partly in kind, and the latter consists of a few heads of grain usually given as a remuneration for watching the crops. A blanket is also allowed to the Tullarie out of the village contingent expenses; and he receives besdes *fuskee*, or a small contribution from each

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each shop or stall, on market-days: he has likewise a small *roosoon*, or perquisite, from the sayer or custom department, which is levied on each bullock-load of grain. A ready-money allowance is given in some villages where there are no enams or other constituted fees; it seldom exceeds two or three rupees; but there are generally, I imagine, some better perquisites of office in addition.

Question.	*Answer.*
16th. Is it sufficient for his maintenance?	In most villages it is amply sufficient; in some instances, however, it will be found inadequate to his maintenance.
17th. Are there watchmen in every village?	There are either watchmen or Peons appointed to do the duty of watchmen, I believe, in every village.
18th. Are they required where they do not exist?	If watchmen are found to be wanting in some villages, it will be expedient to supply the deficiency.
19th. Can they be procured?	Without difficulty; a monthly pay being granted to them. The Ryots will, of course, object to the payment of any allowances where they have not been accustomed to discharge them.
20th. What castes are watchmen?	Watchmen are generally of the Beder and Dhur caste.
21st. How do they proceed to find out thefts?	This has been already answered in describing the duties of village watchmen. (*Vide supra*, Interrogatory No. 4.)
22d. What means do they possess of knowing the people of their village?	This has been already answered in describing the duties of village watchmen. (*Vide supra*, Interrogatory No. 4.)
23d. Is there any district police besides the Mamlutdar's Peons?	Besides the Mohuls, Sebundy, or revenue Peons, there are Shetsundies, or local militia, and a large body of Ashams, or military Peons, for the principal towns and garrisons, whose services are available for police purposes whenever required.
24th. Are the Potail and village watchmen attentive?	They are in general tolerably attentive, but there is room for improvement in this particular.
25th. How was inattention or connivance punished under the old Government?	By confinement in irons, or by severe corporal punishment.
26th. What powers have great and small Jagheerdars?	The small had powers within their own limits equal to those of Mamlutdars. The great Jagheerdars had also the power of life and death.
27th. Enamdars?	Persons holding enam villages were nearly on a footing with Potails in respect to their powers.
28th. Chiefs of Bheels?	There are none in this quarter.
29th. Were there any heads of castes?	The heads of Buljwar caste were the Settees, or Shettees, and Chowdries; of the potter, the shepherd and weaver caste, the Gaur. The same term was applicable also to the heads of the Teloogoo Bulgewar caste and others, who wear a red or yellow perpendicular

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perpendicular mark on the forehead. The Acharee was the head of the blacksmith, the carpenter, the goldsmith, and the stone-cutter caste. The Sunnasee of the Brahmins; of the Bukkalls, the Bharkur Punt. The mat-makers and other inferior classes had also their chiefs, who had no particular designations, but were called the Koolhurria, which means in Canarese head of the caste. The head of the Bedurs was the Naick of the Jyns, the Jinsanee, or Luchmunsanee of the Shetsundees, the Dulwaree or Naick.

Question.	*Answer.*
30th. What were their powers?	They had no powers in the police department, but had considerable influence over the classes in preserving good morals.
31st. In what state are they now?	In the state in which they formerly were.
32d. What measures of preventive police existed?	The efficiency of the police was tolerably well kept up by the establishments already described under the

Mamlutdars of districts: but I am not aware of the existence of any preventive measures, except that guards were kept in towns, and in difficult passes frequented by robbers. It does not appear venders of spirituous liquors, pawnbrokers, or gold and silver-smiths, were kept under any strict rules regarding the harbouring of thieves and the receiving of stolen property. The heads of villages were, however, made responsible for giving information of offenders, and rewards were sometimes held out for their apprehension. Flagrant disorders appear, under these arrangements, to have been checked and prevented.

33d. What regulations about suspected persons?	No fixed regulations, that I can discover. They were frequently confined or released upon bail, but the measures pursued respecting them were quite arbitrary.
34th. About moving out at improper hours?	I do not find that any existed here.
35th. About stolen property?	Any one purchasing property greatly below its value would be fined, and the

property on discovery would be restored to the person robbed. Any one neglecting to report that property had been offered to him for sale under suspicious circumstances would be liable to discretionary fines.

36th. How far were Potails, watchmen, Shettees, Naicks, Chowdries responsible for the classes under them?	They were held generally responsible, but the degree of the responsibility depended chiefly upon the arbitrary discretion of the police officer, and upon the means that the person called upon had of satisfying the demand.
37th. Was the sale of liquor forbidden or regulated?	There was no restriction in this part of the country.
38th. What was the custom about furnishing Begarees?	It was the custom to furnish one or two Begarees to a traveller who brought Begarees with him from the

last village. People of the Dhungur, the Bedur, the Dhur and Chembar, and occasionally labourers of the Koonbee caste served as Begarees. They were taken in rotation, and men who acted one day were not obliged to serve again till their turn came. Ryots were never pressed as Begarees; a grievance which only takes place under the Company's Government, and which, like that of free foraging, requires to be corrected. The latter is a crying abuse, which our troops are too apt to consider a part of their ordinary duty when campaigning.

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Question.	*Answer.*
39th. How were they paid?	Generally not at all; sometimes grain sufficient for a meal was given by a compassionate traveller.
40th. How were provisions furnished?	At the market-price of the day.
41st. Were any articles furnished gratis?	Not usually so; but if the traveller were a person in authority bearing a Government passport, straw and fire-wood would probably be furnished gratis.
42d. Are villagers responsible for stolen property?	For stolen cattle they are considered responsible, but not in general for other property.
43d. If they are, was it reckoned a hardship to enforce the demand?	The demand for stolen property was sometimes enforced by persons in authority, but the measure was always

reckoned, as it must have been, an intolerable hardship, and perhaps most commonly happens that robbers do not belong to the village where the robbery takes place, but to another and a distant part of the country. It was also a practice open to much abuse, for the chief of the district often made a robbery the plea for levying double the amount of the property stolen, without thinking it all necessary to make any restitution to the unfortunate sufferer, unless he happened to be a person of some consideration.

General Questions.

1st. What is the character of the Mahrattas at present?	The Mahrattas do not constitute, I imagine, above one-eighth or one-tenth part of the population of the

Carnatic Beejapore. The mass of the people, including those of Beejapore, are of the Lingwunt caste, and speak the Canarese language; it is not therefore easy for me to descant on the national character of the Mahrattas, because I have seen but few of them. Those generally here are soldiers of fortune, who in times of peace make it their chief business to breed horses.

They have always been the first to resort to any standard of rebellion, wherever hoisted; the first to lay waste the country under these banners, and foremost in plundering their neighbours on the first news of the approach of any foreign army. A great proportion of the Mahrattas of this part of the country joined Dhoondia Waugh after the fall of Seringapatam, and subsequently to the destruction of that chief many were concerned in the rebellion of Uddoo Khan, of Sawenoor. Few opportunities have since occurred for them to shew themselves until the late war, when almost the whole of them followed the Peishwa's fortunes. The campaign proved most destructive to the cavalry; and it is not probable that one-tenth of the number of horses that were to be found in the country a few years ago are now existing. The Mahrattas of this quarter (for I shall not venture an opinion on the general character of them as a people) are naturally addicted to military and predatory habits; and as the change of government cannot be acceptable to them, they are not at present to be depended upon as good subjects. They will gradually, however, turn the sword into the ploughshare, and in a few years will no doubt become peaceable well-disposed cultivators. In the mean time, they are too few in numbers to be formidable, and if inclined to be disaffected could be nothing without a leader.

The Mahratta Brahmins are every where numerous. They are an intriguing, lying, corrupt, licentious and unprincipled race of people, who are in no respect to be trusted, unless numerous checks are established to guard against their knavery and dishonesty. The change of dynasty is naturally offensive to their habits and prejudices, and they would be well pleased at the restoration of a Brahminy government.

There

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Answer.

There is, however, nothing hardy or enterprizing in their character, and, consequently nothing to be apprehended from their disloyalty. The Ryots on this side the Toombedra have some features of character a good deal different from those of the Ceded Districts: they have more plain dealing, and have less of the spirit of evasion about them than their more southern neighbours. They have also more courage: and this may perhaps be owing to the arbitrary and unsettled nature of the late Government, which may have produced a habit of trusting to their own energy for protection. They are for the most part sober and thrifty. The practice of hoarding is frequent, and instances of considerable accumulation of property have sometimes occurred amongst them. Such savings, however, were generally kept secret, for whenever they became known they presented an irresistible temptation to the avarice and rapacity of the late Government.

Few examples of public spirit are to be met with, in the construction of wells, tanks, or pagodas, and very few of voluntary private contributions for the support of religious institutions. This absence of liberality may be ascribed to the system of extortion practised under the late Government, which might have rendered it dangerous for any man to have made a display of his wealth. The mass of the people here seem to possess but few of the mild and kindlier virtues which characterize the inhabitants of many of our old territories.

There a stranger, however poor, who halted at a village, would seldom find a difficulty in procuring a hearty meal. In many places this sort of benevolence is habitual, and the traveller would rather be sought after than shunned. Here the people are much more selfish and unfeeling, and the virtue of hospitality is little known or appreciated.

They seem to be quite inattentive to public affairs, and take but little interest in any changes that occur; they are so accustomed to revolutions that they regard them with torpid indifference, and the transition from the Mahratta to British rule has been effected with a facility which at first view seems altogether surprising. Long habits of submission to an arbitrary and oppressive rule have not, however, rendered them blind to the advantage which they must derive under the more moderate and equitable administration of the British Government, and I believe that the people in general of the lower classes are well contented with the change, which cannot but prove immediately beneficial to their interests.

Question. — *Answer.*

2d. What are the prevailing crimes: ırder for revenge, or robbery, per-·y, &c.?

Gang robbery was not unfrequent, but the instances are now more rare. The most prevailing crime is that of arson, and robbery of that description which is here called thullee. It is generally committed, not by professional robbers, but by persons who for some real or supposed grievance, for which they have been unable to get redress, quit their villages and let themselves loose upon the public; burning stacks of grain in the field, and plundering, harassing and alarming the whole neighbourhood. Where redress is not given it will be taken, and the want of the means of obtaining justice has probably given rise to this crime. It prevailed a good deal in the Ceded Districts when we first got possession of them: but a few severe examples of punishment, and still more the free access that was given to all sorts of complaints, soon put a stop to the evil. Murders are not, I am sorry to say, uncommon, a good many cases having occurred during the last year. Of the less heinous crimes, cattle stealing seems to be the most prevalent.

3d. What are the prevailing vices?

Of the most prevailing vices prostitution is perhaps the most observable. I do not think, however, that it is carried to any great length. Assaults and abusive language are extremely common, and I am told there is scarcely a street in Darwur which does not display daily many flowers of

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of Billingsgate eloquence. On the whole, the state of morals may be considered a good deal relaxed; but this is the natural consequence of a loose and profligate system of government. Drunkenness is by no means a vice of this part of the country, nor do I hear that gaming is much practised.

Question.	*Answer.*
4th. What are the checks which keep down crime? If any crimes, such as dacoity, are observed to be less frequent than in other countries, what is the reason?	The principal check, in this as well as in other countries, is the fear of punishment; no other check occurs to me as having much weight. "Compunctious visitings" of conscience operate only on the timid, who seldom engage in great crimes.
5th. What influence keeps down the vices?	The influence of caste and public opinion have doubtless some effect on the more respectable and well-educated classes in repressing vicious propensities: religion, I think, very little. Religious observances appear to me to possess fewer attractions for the people here than in any other part of the country that has come under my observation. The principal check consisted in the fear of fine or other punishment, or privation of caste.
6th. What powers had castes to watch over morals?	The powers of castes to watch over morals were extensive. They could excommunicate and fine, and could prevent restorations to caste until many expiations had been performed.
7th. How did they exercise them?	They were commonly exercised with much impartiality and moderation, by a sort of punchayet and jury of the caste. In large towns the Settee, or Shettee, generally directed the inquiry. He could, at the suggestion or with the concurrence of the principal and most respectable inhabitants, excommunicate for offences against good morals; he could not, however, take off the interdict: that could only be effected by the Gooroo, or spiritual guide, or by the Dywee, or council of elders of the same tribe or class, with the privity and advice of the Gunnacharee, a sort of inspector of morals, or vice-suppressor, constituted and appointed by Government. This office is said (I do not know with what correctness) to have been originally instituted under the government of the Bednore Rails, who were of the Lingee Buljewar caste, for the preservation of good morals, and as a check against offences at variance with the ordinances of caste. Fornication, adultery, prostitution, impure intercourse with other castes, and the eating of forbidden food, were offences which came specially under the cognizance of the Gunnacharee. He was invested by Government with the power of excommunication; and restoration to caste, after the necessary purification, could only afterwards be effected by the head men of the tribe, with the concurrence of the Peer or Gooroo, on paying the usual fees for absolution and remission of sins, and making the necessary oblations to the offended deity.

This office, which was on its first introduction established for such salutary uses, and which contributed essentially to the good order of society, has unfortunately under different changes of government greatly degenerated, and is now become a regular source of revenue, being annually rented to the highest bidder. It has often, in consequence, been perverted to purposes of oppression and extortion.

The Gunnacharee is now pohibited from inquiring into cases of fornication and adultery; but as the minor branches of good morals and of the rules of caste are in some degree repressed by this officer, the system is still partially kept up, even in our old provinces.

The Gunnacharee gets fees on marriages, on deaths, and fines for offences against caste; he also receives fees on procuring husbands for widows of

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of the Linga Buljewar caste, who must first apply to him for permission to re-marry, and sometimes for his interest in procuring for them husbands.

The Peer or Gooroo (spiritual guide) cannot act without the concurrence of the Gunnacharee, who is still reckoned a ministerial officer of Government, although he is sometimes set up by the castes themselves for the suppression of vice and the maintenance of morality.

Question. | *Answer.*

8th. What powers had parents? Parental authority seems to be less regarded than is consistent with a proper control over youth. Father and son, mother and daughter, are frequently at variance. Dissentions of this sort in families are said to be of much more frequent occurrence than they are in the old provinces.

The powers of parents extended to the infliction of corporal chastisement, and other modes of discipline, until the child arrived at the years of discretion: no severity could of course be observed after a child arrived at mature age, but the father still retained complete control of the household, and over the disposition of his property.

9th. Guardians? The powers of guardains, until the child became of age, were similar to those of parents. A ward was considered to be of age when he completed his sixteenth year, and then succeeded to his property.

10th. Husbands, heads of families? Husbands exercised a good deal of authority over their wives, and kept them under rather strict discipline. The Hindoo law declares, that "day and night must women be held by their protectors in a state "of dependence." It goes even the length of saying that a woman is *never fit* for independence. The letter and spirit of the law seem for the most part to have been pretty universally acted upon. Violent measures indeed are not recommended in the treatment of wives, because it is admitted that they cannot wholly be restrained by them. For neglect or inattention to household concerns, or in the preparation of meals, the measure of punishment allowed by the English law is not unfrequently inflicted amongst the lower classes of natives. Amongst the more respectable, women are treated with consideration and kindness, and severe expedients are seldom resorted to in order to keep them within the bounds of their duty.

11th. How was religion kept up? By the maintenance of all the religious establishments, such as enam lands and villages, and allowance for temples; by the continuance of wurshasuns, roosoons, and other endowments, and by the encouragement of holy Brahmins.

The Peishwa himself, though in many respects a man of profligate habits, was abundantly liberal in his patronage of religious Brahmins, and in the support of the sacred institutions of the country.

12th. How were the funds allotted to religious institutions prevented from being diverted to other purposes? The funds appropriated to their support were disbursed by Carcoons, or other servants appointed for the purpose.

The Mamlutdar often took an account of the receipts and disbursements, and malversation was prevented by the fear of punishment.

13th. How were religious observances enforced; by spiritual authority alone, or by temporal also? Religious observances were chiefly enforced by the authority of the Gooroos, or spiritual guides; it does not appear that temporal authority was often exerted for this purpose. The Peishwa himself set an example of constant attention to the many superstitious rites and ceremonies of the Hindoo religion: an example which was followed by the numerous host of beggar Brahmins, who flocked to his court to partake of the bounty

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of the Government, which was distributed with a liberal hand to the Brahminical classes.

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Question.	*Answer.*
14th. What persons had influence over the people, whether in authority under Government or not? Sirdars, Jagheerdars, Mamlutdars, monied men, priests, Fakeers, Daismooks, &c.?	The possession of property implies power, and we may with sufficient accuracy determine between the effective influence of the different members of the community here, as well as elsewhere, in a great measure with reference to these data.

The superiority in this respect rested with the principal officers of Government, whose authority was nearly discretionary. In the country many Dessayes and Daismooks affected independence, and by their influence sometimes regulated the affairs of whole districts, the Mamlutdar of which could do nothing without their aid and concurrence. In all affairs, however, in which Government had any concern, the Potails and Curnums of villages had beyond all comparison the greatest local influence. In caste disputes and in spiritual matters the Peer Gooroo or spiritual guide had most weight and authority. Sirdars and Jagheerdars being nearly independent within their own lands, had of course great power, which was proportionate to the energy of their personal characters, and the extent of their possessions. In large towns, the Settee's or Shettee's influence was very considerable.

15th. Are there schools in towns? — There are schools in all towns, in which the Mahratta language is chiefly taught. People of respectability employ Shastrees to attend at their houses for the purpose of instructing their children.

16th. In villages? — Most villages of any size have schools for the education of children.

17th. Free or for hire? — A monthly stipend is paid to the schoolmaster. Shastrees often teach the mysteries of the law and of religion to their pupils free of expense; they considered it an act of religious duty which ought not to be performed from worldly considerations. They generally, however, have their meals provided for them in remuneration for their trouble.

18th. Who teaches them? — Any man who considers himself as a schoolmaster, as a means of livelihood. The profession is not confined to particular classes.

19th. Do the people generally learn to read, and what classes most? — Few except the Brahmins are addicted to literary studies. The trading classes, the Goozzars, Jyns, Buljewars, and Bukkals, generally learn sufficient to enable them to transact business, and to keep their accounts: their learning seldom exceeds this point of acquirement. It is entirely of the practical kind, adapted to the limited sphere of their professional or commercial concerns. The Mahrattas are perhaps the least accomplished of all the classes.

20th. What do they read? — All their wordly learning (loukeeka widdeea) consists in the reading of old letters or set forms of correspondence, and book-keeping. Their spiritual learning (or wydek widdeea) is acquired from the study of the Widhaut Wakurn Natuk, the Pooranus, the Dhurum Shaster, Jotish, astronomical treatises, the Wyd Shaster, or treatise on medicine, and the Rouee grunth. It will not be expected in this place that I should enter into any discussion respecting these abstruse studies, if I were capable of doing so, which I am not.

21st. Are the people of the Mahratta country well off in point of subsistence? — Adverting to the general state of cultivation and the condition of the inhabitants in those parts of the country which have more or less escaped the

Answer.

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the rapacity of the late Government, I think it may be inferred that the people of the Mahratta country are as well off in point of subsistence as the people of other countries. The general rate of the assessment of land is the same here as in almost every part of India, it being calculated on the average at one-half of the gross produce. This does not enable the Ryots to make land private property, but in ordinary seasons it leaves them amply sufficient for a comfortable livelihood. The wages of common labourers are high, which is owing to the fewness of this class of persons, and the high prices of grain. On the whole, poverty is not more observable here than in our old territories; and mendicity is not, perhaps, so common.

Question.	*Answer.*
22d. What classes gain and what lose by the conquest?	The great mass of the cultivating Ryots, who constitute the sources of all wealth and subsistence, and the

trading and manufacturing classes in general, gain by the change of Government, because they are not now liable to the extortion and rapacity which were often practised under the late Government. Private property is now secure against forced contributions and other oppressive exactions. Many who were in employ under the late Government, and who are in general unfit, from the habits in which they have been educated, for our service, have reason to regret the change. The revolution takes greatly also from the extensive authority in revenue affairs that was exercised by Dessayes, Daismooks, and other local Revenue functionaries, whose unauthorized emoluments will now be reduced: it cannot, therefore, be acceptable to them; but moderation and kind treatment will soon reconcile them to their new masters. The Potails and Curnums too of villages, availing themselves of the confusion and weakness of the late Government, had very generally acquired an undue influence, which is now restrained within bounds much more circumscribed than they have been heretofore. The consideration likewise of our being foreigners, who never can assimilate or amalgamate with them, will always prevent their regarding us with much attachment.

The fear of our power, however, and the conviction of our justice, will soon render them well-disposed and peaceable, though we may never expect to see them very loyal or very loving subjects.

In concluding my answers to these Queries, I beg it may be understood that they apply exclusively to the Southern Mahratta country; the practices of which may probably be found to be materially different from those of the more Northern districts, where the inhabitants are of a different class, and speak a different language.

(Signed) WM. CHAPLIN,
P. C. and P. A.

MR. H. POTTINGER,

Dated the 8th August 1819.

Mr. H. Pottinger's Replies to Judicial Queries, 8 Aug. 1819.

To the Honourable Mountstuart Elphinstone.

SIR:

I have the honour to acknowledge the receipt of your letter of 9th May last, and now beg leave to transmit replies to the queries alluded to therein.

I have, &c.

(Signed) H. POTTINGER,
Collector.

Question.	*Answer.*
1st. How was justice administered under the Peishwa's Government?	I feel it somewhat difficult to answer this query, because my inquiries and

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Answer.

and observations lead me to form the opinion that there was no such thing as justice in Bajee Rao's rule. Mock trials and punchayets were sometimes held in the talookas, and the Peishwa himself at times gave orders on particular cases; but there was no inquiry on his part, no anxiety to know the real merits of the dispute, no examination of witnesses or papers, and consequently it happened much more frequently that he awarded in favour of the oppressor than the oppressed. This indeed was almost the inevitable result of his system: for as he was guided by the recommendations and report of his Hoojrus, and other men of infamous morals and debased character, who were his usual companions, they were always ready to receive bribes for their voice with the Peishwa; and when two men had any dispute, he who felt that his cause was the worst was sure to pay best. Another difficulty which offers in answering this query springs from the different modes that were observed in different parts of the country, which renders any observations made upon one totally inapplicable to the other. I may, however, say in a few words, that the corruption was greater in and near the capital, and other large towns, than in the remote districts where there were only villages. The occasional presence, and in some cases the constant residence of Sirdars or chiefs, or great Brahmins, instead of having a good effect on the people, were the surest means of fomenting discontent, and leading to injustice and oppression; and in some situations the whole population appear to have taken its tone from the example of a leading, and always an intriguing and unprincipled Carcoon. In fact, this last remark may always be safely extended to the Peishwa's durbar, where it was latterly well known, if a disputant could afford to purchase the influence of men of low and disgraceful connexions and pursuits, but who were Bajee Rao's associates, his case was secure.

These men frequently connived, and took different sides of the question, merely to protract the matter, and thereby to increase the pretensions for extortion. These preliminary remarks bear so strongly on all the queries relative to the administration of justice, that I have considered it very necessary to offer them. A simple reply to the question under discussion is, that the authority of deciding disputes was exercised by the Peishwa himself, by the officers of Government of all ranks, by punchayets, and (in some cases, to be hereafter explained) assemblies of villagers, and by men of reputed sanctity and wisdom.

Question.	*Answer.*
2d. Were particular cases tried by officers of Government, and particular ones referred to punchayet?	There is no rule on this subject. The advice of friends, the prospect of success by bribery, or the hoped-for influence of relations employed as

Carcoons, Hoojrus, &c. about the Peishwa and Sirdars of distinction, usually influenced the mode of inquiry. Disputes about caste, hereditary rights (wuttun), and such points, were usually referred to a meeting of persons denominated a punchayet; but there the usual corruption prevailed, and he who gave the largest bribe, or had the most powerful relations, was sure to gain the day. This feeling of indifference to the ends of justice proceeded from the base means resorted to by every one about the Government, and through them to the members, to turn their duty to advantage.

3d. Or was it the choice of the Magistrate?	The Camavisdar, or officer of Government, could (if he chose) order a punchayet, and the parties disputing

had no alternative; but he usually listened to any objections that were made to that mode, and was ready, for a few rupees, to authorize any other for adjusting the matter. Indeed his avarice usualy tempted him to keep the right of decision in his own hands; unless the dispute was a trifling one, or likely to prove very troublesome, in which case he either ordered a punchayet, or handed the affair over to one of his Mootsuddies.

4th.

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Question.	*Answer.*
4th. Or of the parties?	See preceding reply.
5th. How were punchayets constituted?	The most common mode of constituting a punchayet was to allow the complainants to name a certain number of persons (never less than two nor more than five), and to appoint a Carcoon on behalf of Government to superintend the proceedings. The next method was for the Camavisdar, or officer of Government to whom the complaint was made, to point out people who were to sit for both parties; but this was not near so common as the other.
6th. Who were eligible to sit?	There was no restriction on this head; it depended, as already shewn, on the pleasure of the officer of Government, or that of the disputants. People generally selected members from their own castes; unless in cases of money disputes, when Banyans and other dealers were often called on.
7th. Were great men ever members?	No, they never were; it was not the custom of the country.
8th. Were there punchayets of Shastrees alone, and in what cases?	No.
9th. How were the members elected?	See Reply to No. 5.
10th. How was a punchayet procured?	The complainant in the case used to go to the Camavisdar or other officer of Government, who ordered a punchayet in one of the two modes detailed in Reply No. 5.
11th. Was the consent of both parties necessary to one?	Not always. It has been already shewn, in Reply to No. 4, that an officer of Government could order one without the consent of the parties.
12th. Did any officer of Government preside?	No.
13th. Who was umpire?	Strictly speaking, there was no umpire. The Carcoon, who is present on the part of Government to see what passed, sometimes offered his advice in the event of high words or abuse; but otherwise the members were left to themselves.
14th. Had they ever a Shastree along with them in cases of law; and if so, was his opinion of more weight than another member's?	It is very unusual for Shastrees to sit in punchayet; and though there is no rule to the contrary, I have heard of no instance of their doing so. They were called in on all points relative to marriages, adoptions, &c. &c., and their opinions had very great weight.
15th. How did the punchayets procure the attendance of witnesses?	By sending a sepoy on the part of the Camavisdar or other officer of Government.
16th. How did they act if a party failed to attend?	A Government sepoy was sent for him; if he still persisted in declining to appear, the cause was decided against him.
17th. Could they decide *ex-parte*?	Only in such a case as in the preceding answer. If one of the parties happened to fall sick, or any of his relations died, or there was a marriage in his family, or any other important domestic occurrence intervened, the members of the punchayet adjourned it for a few days till both the disputants appeared.

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Question.	*Answer.*
18th. How was their award drawn out?	They recapitulated, in the first place, all the evidence adduced by both parties, as well as their original statements, and then subjoined their opinions and award, each member signing his name.
19th. Did they recapitulate the arguments and the evidence?	See preceding reply.
20th. Did it give reasons for the decision?	Always in detail.
21st. Where was the written award deposited?	With the officer of Government, who furnished each party with a copy, and also a statement in his own name of the affair. This statement in some cases was very detailed, and in others merely alluded to the leading points. In situations where there was no officer of Government at hand, such as remote villages, the award was deposited with the Koolkurnee, who was bound to preserve it, and produce it when called on.
22d. Did it require confirmation, and from whom?	Yes, it did; the person who ordered or assembled the punchayet usually confirmed it, unless a person of greater consequence, who was connected with the place at which it was held, arrived in the mean time. Thus, for instance, when Aunabha Rahteekur was Soobadar of Joonur, he frequently visited Poona. Had a punchayet been ordered by his Karbaree, and he (Rahteekur) returned in time, he approved it.
23d. Did any appeal lie from the award of a punchayet?	Yes; it was held by a Shaikdar's or Potail's orders; an appeal lay to the Camavisdar, and from him to the Government, or its highest officers. The original proceedings were then called for and examined; but of late days little or no attention was paid to appeals unless bribery attended them.
24th. How was a corrupt member punished, if at all?	When it was proved on a member that he had received money, and afterwards awarded against the person who paid him, he was forced to repay the amount of the bribe, and fined. Both these sums went to the officers of Government, and they had seldom any other motives for this conduct than to make the most of the business.
25th. Were revisions ordered, and in what case?	Yes they were, but obtaining such an order was always attended with the necessity of making nuzzers and paying bribes, and poor people could seldom afford to do so. Amongst the better classes revisions were more common, but then it became a struggle who would pay most to the officer who was to order it.
26th. Were new punchayets ordered on the same case, and by whom?	Yes they were, but not by the same persons who ordered the first one. If a punchayet was held by the Shaikdar's directions, the Camavisdars could order a new one; if by the latter's instructions, the Sirsoobadar could do the same; and so on from him to the ministers and even the Peishwa; but all this was attended with an enormous expense in nuzzers and bribery, and it was therefore only where large sums were at stake that people could afford to demand new investigations.
27th. How was the attendance of members procured?	When a punchayet was once ordered or decided upon, the parties disputing (if they had the selection of the members) sent to apprize their friends that their presence would be required on a particular day. If any man thus selected declined to come, of course the party who had chosen him did so by another, for no

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Answer.

no one would be so foolish as to force a person to sit for him against his wishes. This however seldom, perhaps never happened, and the disputants usually had taken good care to instruct and prepare their friends before they agreed to submit to their award, In cases where the Camavisdar or other officer of Government had pointed out the members to sit, if any of them refused to appear, it was generally under the excuse, real or feigned, of important business, or indisposition of himself or some one of his family, or its interference with some religious ceremony which he was bound to perform on a particular day: and such apologies were always, if believed to be true, accepted. The person who had named the members before, then added another to them in lieu of the absentee, and the matter proceeded.

Question.	*Answer.*
28th. How were they compelled to come to a decision: in other words, what means were taken to prevent delay?	This was a point little attended to under the Mahratta Government, in which the art of procrastination would almost appear to have been studied as a science; but when one of the parties

in a punchayet considered himself to be secure of his cause, and had influence with, or the means of adding to his bribes to the officer by whose orders the meeting was assembled, he could without much difficulty procure a speedy decision. This was done by representing to the officer of Government the hardship he suffered from delay, and begging that the members might be warned to finish by a certain day. The Carcoon who was sent to see what passed, then received instructions to inform the members they must bring the affair to a conclusion by such a time; and this was usually effected with ease, because what we should look upon as the most tedious procedure was estimated by the natives to be one of extraordinary celerity. Thus if a man had been waiting three months to know the award, and could obtain a knowledge of it by the means I state above in another month, he thought himself the most favoured of mortals. In the extreme case of the members of the punchayet neglecting the injunctions they received to close their proceedings with all convenient despatch, the Carcoon reported their conduct; and the officer by whom they had been brought together then (if he really wished to get the matter settled) called them to his own cutcherry, and obliged them to write out an award before his face. This, however, was looked upon, even by the Mahrattas, as an arbitrary act of authority, and the loser on the occasion seldom failed to appeal if his pecuniary means were equal to doing so.

29th. Was it reckoned a compliment or otherwise to be selected a member?	Yes, it was, to a certain degree. It proved sometimes that the man who did select another relied on his judgment and friendship; but in the ma-

jority of cases parties who were about to enter on a punchayet looked around for men of intrigue and falsehood to conduct their cause. These were, however, the men who were considered clever and fit for public business under the late Government, and this feeling extended to the lowest classes.

30th. Was there any fixed fee to the members?	None.
31st. Or any not fixed?	None; unless we may designate as such the bribes which all received on these occasions.
32d. Who paid it?	See reply to Queries 30 and 31.
33d. Was a man obliged to be a member?	No; various excuses were admitted, as detailed in reply to Query 27.
34. Or was he only obliged to attend after he had once consented?	If a man had once sat as a member of a punchayet he was forced to attend; but he might consent and retract

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retract before the proceedings commenced, if he could shew a satisfactory cause for such conduct.

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Question.	*Answer.*
35th. How was attendance compelled?	A sepoy, on the part of the officer by whom the punchayet was assembled or sanctioned, was sent for any one who failed to attend. If he refused to come still he was brought by force and probably fined; but such instances were unknown, and the orders of Government and its officers were promptly obeyed.
36th. Were parties allowed to challenge members?	Yes, they were, where the members were appointed by the officers of Government; but in doing so they were obliged to give some satisfactory reason for it. If a person with whom one of the parties had formerly been at enmity was nominated he might be challenged, and probably the objection would be attended to by the Camavisdar, &c. Still the latter was arbitrary, and could do as he pleased. When the members were selected by the parties of course no challenging was admissible, as each chose his own friends, and, if possible, his opponent's implacable enemies.
37th. How were punchayets managed in the country?	Precisely like those already described; the Shaikdar assuming the authority of the Mamlutdar in sanctioning their proceedings. In the Shaikdar's absence the Potail did so.
38th. Were they encouraged or otherwise?	Certainly not; those who had the power of permitting them preferred, in most cases, to reserve the decision in their own hands as a source of private advantage.
39th. Who assembled them?	The Shaikdar, and in his absence the Potail.
40th. What was the power of the Potail?	When a dispute occurred in a village, the Potail tried to settle it by amicable arbitration. If he failed in this, and the parties demanded a punchayet, he gave his permission to one being assembled. He could not name the members himself unless he was a man of much importance in other respects, but he would order any one whose testimony was required to be in attendance. If the parties selected members from other villages in the neighbourhood, the Potail wrote a note to the Potail of that village, requesting that they might be sent, which was immediately done. If any one connected with a punchayet refused to obey the Potail's orders, he applied to the Shaikdar for support. If the person still continued obstinate, and slighted the Shaikdar's orders, he brought the affair to the notice of the Mamlutdar, and his authority was such as to instantly curb any attempt at insolence or disobedience.
41st. What is it now in this respect?	The legitimate authority of the Potails of villages has of late years been greatly shaken by the introduction of farmers of the revenue and their myrmidons, who cared little for the consequences of the system they pursued. Potails, however, where they are shrewd and well-informed, have still great influence amongst their Ryots; whilst in different cases they are reduced to the most abject pitch of contempt, and are often lorded over by the Koonbees. Another great blow at the respectability of Potails had its source in the nomination of Hoojrus and court Carcoons as Shaikdars of villages. These latter persons were always studious how to sink the Potail in the eyes of the villagers, and to foment disturbances between him and his kinsmen, which eventually led to the exclusion of him and them from their station. The Koolkurnees likewise, being Brahmins,

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Brahmins, and having more or less education, usually found it advisable to side with the courtiers; and unless the Potail had naturally a strong mind and superior talents to enable him to thwart these machinations, he fell into utter insignificance. There are of course exceptions to these observations, and in some villages I have found the word of the Potail as absolute as though it had been that of Bajee Rao himself while on his musnud.

Question.	*Answer.*
42d. Who were the members of country punchayets?	There was no rule, or even established custom on this point. In general, disputants selected their friends, of whatever rank they might be; at the same time they naturally endeavoured (as already observed) to select men on whose talents and judgment they could rely.
43d. Ryots?	See above.
44th. Or Potails of other villages?	They were very often chosen from being somewhat better acquainted with life than the Koonbees.
45th. How did the Potail compel the attendance of members?	Compulsion was seldom, perhaps never resorted to, because Potails did not (unless they were Sirdars, or men of high-born rank, or in power under Government) assume the authority of naming members, and of course (as before remarked) no man could be foolish enough to insist on a member's sitting for him against his will. If a member, however, once sat, and then refused to come back, the Potail called on the Shaikdar for aid, and so on through the progressive stages of authority.
46th. Of witnesses?	See the preceding reply. It may however be here observed, that the Mahrattas are very tractable; and though they may linger in obedience, yet they seldom refused it altogether to their superiors without a good cause. They think nothing of procrastination, and are so habituated to it, that it excites the surprise of Europeans to behold their apparent indolence and inertness.
47th. Of parties?	See preceding reply, and also that to queries 16 and 17.
48th. How did he enforce his decrees?	By his own personal authority, or if it was disregarded, by the assistance of the Shaikdar and Mamlutdar.
49th. By whom was he supported?	See the preceding reply.
50th. What was the next judicial authority to the Potail?	The Chowgulla of the village, and after him the person called the Havildar: but they had scarcely any weight, unless they were men of talent or intrigue. The utmost they could do was to give guides to travellers, to see that the gates of the village were regularly shut at night, and to prevent broils or fighting while the Potail was away. In villages where the Potail was always an absentee, his agent had more power than the Chowgulla.
50th. (2) Had the Shaikdar any authority in this way?	The authority of the Shaikdar was always greater than that of the Potail, but if he did his duty properly he ought not to have interfered in these sort of matters unless called upon by the Potail. In latter times, however, the Shaikdars were as despotic in the villages as the Mamlutdars in large towns, and as no one controlled their excesses, such appointments tended greatly to impoverish the Ryots.

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Question.	*Answer.*
51st. Was there any chain still higher up?	The gradations from the lowest to the highest were:

The Havildars............ }
Chowgulla .... } Village Officers.
Potail .... }

The Shaikdar ....
Camavisdar ....
Mamlutdar .... } Government Officers, &c.
Sirsoobadar ......
Ministers.........
Peishwa ....

52d. Had the Daismooks, Daispandees, &c. any judicial authority? — Strictly speaking they had not, or rather should not have had; but they frequently interfered in matters with which they had no business, and as they were almost always in connivance with the farmers of the Revenue and other officers of Government to rob and plunder the Ryots, it gave them the appearance at least of having judicial powers. They were called in whenever any dispute about lands or such like property arose, and then they had much weight, which they abused in a sad manner. Indeed, I look upon this class of people to be perhaps the very worst in the country. Under the semblance of protection, they robbed the poorer classes of the Ryots; under that of participation in his unauthorized gains they not unfrequently ruined the Potail by imposing on him; and they avowedly connived with the Mamlutdar to render him more easily the tool of their combinations.

53d. Was there any regular appeal? — See reply to Query 23.

54th. And to whom? — Ditto ditto

55th. What is the public feeling regarding punchayets? — From many of the causes stated in the foregoing replies, punchayets had of late years fallen into great disrepute. They opened, from the number of members employed on them, a large field for bribery and corruption. They were not esteemed by the officers of Government, because they would have acted as a check on their extortion; nor by the people of the country, because all classes were aware of the state to which the moral character of their neighbours, and even relatives, was reduced. If a son called on a father for evidence in his favour, he could not be certain but he would be forced by some man of power (or bribed by his opponent) to give it against him, and people therefore rather preferred to sit down under injuries than expose themselves to injustice and rapacity. This view of punchayets was exactly reversed in the good times of the Peishwa's rule, and so long as the Government was even tolerably upright they were the universal mode of deciding disputes.

56th. Are they popular with the litigants? — They are very much so, if conducted with probity and justness. It is a common remark amongst the natives that the opinion of ten (the most that ever sit) men of honesty must be better than the decision of one; while on the other hand if the members are wanting in that requisite, their combined voice is worse than any single person's decision, inasmuch as there is more chance of its being baneful in proportion to their numbers.

57th. With the members? — In some points of view they were. It flattered a man to be sent for if the members were appointed by the officers of Government, because it evinced a reliance on his good sense, and formerly (but not of late days) in his probity; the same may also be said of those who were selected by friends, but not to the same extent. On the other hand, members disliked to sit where they were on equally intimate terms with both parties, or where they were conscious their friends had the worst side of the question,

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question, as they were likely to give offence and make enemies, decide as they might.

Question.	*Answer.*
58th. What is their real character?	The real character of punchayets at the present day is very difficult to

be understood. In places where our rule has had its full effect, such as the different stations of the Collectors, they are already much improved; but in the talookas, and under all natives, I fancy they are still bad, as can well be conceived. I am further of opinion that it will require many years of example before the whole body of the population of our new provinces will be reclaimed so as to render punchayets universally desirable; but in the interior there are various subjects of contention which even now can be better settled by them than any other kind of court. I allude to disputes of castes, wuttuns, points of religion and marriages, and in most instances where dealers have differences about settlements of accounts, they should be laid, at all events in the first place, before a punchayet of persons of that class, because they (and they only) can fully comprehend the intricacies of such affairs. All simple debts, trespasses, assaults, broken contracts, and in fact all the daily incidental disputes amongst the people of the towns and country should be decided upon by the Collector and his assistants, or by a punchayet superintended by one of them. The example, I have no doubt, will soon spread amongst the people, who ought to decide of themselves; and if we could only once feel assured that the members of punchayets were guided by truth in their decisions, and were deaf to bribery (whether from fear or a better sentiment) it appears to me that no mode would be so well calculated to ensure the ends of justice, and to give satisfaction to the parties concerned. The reasons that weigh with me in preferring punchayets even now, in some cases, are, that those cases are subjected to certain well defined and well understood customs; that a member cannot but feel if he swerves from his duty on such points, that he exposes himself to the obloquy of his colleagues and the contempt attached to ignorance; that he also lays himself open to have his own decision brought to bear against himself, for there is hardly a case that could be brought forward to which something similar could not be adduced in every family, and if the rules of wuttun, caste, &c. were once broken, all would be confusion. That the habits and character of the population will gradually, and in some places rapidly mend, I am fully satisfied, and in the same degree that they do so, Punchayets might be introduced on all civil questions.

59th. As to intelligence? — I consider it excellent. The members always understand the matter before them; and if they award unjustly, it is not from want of judgment, but principle.

60th. As to honesty? — [See the preceding replies to Queries 58th and 59th.]

61st. Is the attendance so much felt as to be grievous? — This must of course solely depend on the pursuits of the person thus called. If he keep a shop, or follows some avocation on which himself and family depend for their bread, there is no doubt but a very frequent attendance would be exceedingly inconvenient, if not ruinous; but, except in these cases, the habits of the natives are very prone to that sort of indolent life which we may conclude sitting in a punchayet to be amongst them, and therefore, unless the calls are so constant as to occupy the whole of a man's time, he will seldom murmur at them. Many with whom I have talked on this subject did not appear to consider eight or ten days in a month at all out of the way for an idle man.

62d. Does sitting on punchayet give habits of litigation and chicane? — From the inquiries I have made I should say not; but this is a point which can only be ascertained by observation

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servation for a great length of time. Some persons with whom I have conversed on this topic, appeared to think that men who were in the habit of sitting on punchayets acquired the faculty of reasoning and argument in a greater degree than they would have otherwise possessed, but it did not (they said) strike them that they were more apt to be litigious and artful than others.

Question. — *Answer.*

63d. What were the other modes of trying causes besides punchayets? — The other modes were by a personal decision of the Peishwa himself, or of one of the officers of Government, such as Camavisdars, Shaikdars, &c., or by Shastrees of great learning, or by heads of castes, and also by assemblies of villagers. The two former have already been noticed. The decisions of Shastrees were confined to disputes, which were referable to the Hindoo law books. The heads of castes often interfered between disputants, and made them abide by their opinions, but this was more of the nature of an arbitration than an investigation of right and wrong; and in small villages, when two of the inhabitants fell out, it was sometimes usual for all the men of the place to assemble together, and after discussing the matter, to prescribe some terms of agreement to the parties, to which, rather than go farther with their complaint, they often acceded; indeed these latter two modes of adjusting disputes are the best that have come under my notice, and I lose no opportunity of recommending them.

64th. Who were the judges in the town and country? — See preceding reply.

65th. What was the power of great and small Jagheerdars? — The great Jagheerdars, if they chose to take the trouble, had the power of deciding on all causes that were brought before them, and provided they were connected with the villages which they held. Ryots seldom complained to any one else, or rather could not obtain a hearing elsewhere. These great Jagheerdars seldom, however, inquired into cases, and contented themselves with ordering some of their Mootsuddies to do so. This system was the worst possible for adjusting the disputes, as each party instantly found it requisite to bribe the principal Carcoons belonging to the Jagheerdar: and even after a decision had been pronounced by one of them, the others kept on buoying up the hopes of the loser. Small Jagheerdars could exercise no independent authority, and if they, on any pressing occasion, decided on a question, or interfered to put a stop to disturbances, they reported their measures forthwith to the head officer of Government in the district.

66th. Of Enamdars? — The same observations which I have made respecting Jagheerdars may be applied to the Enamdars; with this exception, that the latter were usually men of much less consequence, and dared not therefore to assume the same authority. Had any of them done so it is more than likely his conduct would have been made an excuse for confiscating his grant, or at all events fining him, and therefore the Enamdars, unless they were noblemen, or otherwise of importance, never were supposed to meddle with the administration of justice.

67th. Were there any regular courts? — There was formerly a court at which the Ram Shastree last presided; but, from all I hear of it, I should say it was an assembly for deciding disputes by punchayet, whose awards were afterwards submitted to the Shastree, and through him to the Peishwa.

68th. How constituted? — This court was partly composed of men who were usually in attendance about court, and who it is well known lived by the bribes they received. Indeed, many of them had no other mode of subsistence, and it was looked upon as their profession. On the other hand, there were a number of the most respectable Brahmins named by the Peishwa to assist the Shastree;

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Shastree; and as his integrity is said to have been inviolable, this court may be considered, with all its great faults, the best attempt that was ever made to administer justice in the Mahratta country.

Question.	*Answer.*
69th. How named? 70th. Where held?	The court was called the Neeadashee, and was held at Poona, with the disputes of which city it seems to have been constantly occupied.

71st. What were the forms of pleading?

Each of the disputants gave in their statement in writing, and the punchayet, under the Shastree's directions, put any question that occurred. If either of the parties thought he could better his cause by an additional statement, he was at liberty to put it in. There was no such thing as formal oral pleading; the parties, or relations on their behalf, fought and abused and squabbled with each other, and the members of the punchayet were supposed to be attentive to all they said.

72d. Were there any written pleadings?

I have stated in the preceding reply, that any or all of the disputants might put in a sort of written replication if he deemed it useful to his cause.

73d. What was the course from the commencement to the decision of a trial?

When a complainant appeared he was called on for a statement in writing, and the defendant was then summoned and desired to give an answer. If witnesses seemed requisite, they were also sent for and examined; but this was done in the most slovenly manner. One or two questions to the most intelligent was looked upon as sufficient; and if any of them chose to deny all knowledge of the matter, he was seldom spoken to. The whole of the witnesses were allowed to be in the court at the same time, and all was ill-conducted. When each of the disputing parties had exhausted their stores of accusation and defence, the members then consulted amongst themselves, and reported the affair to the Shastree, whose single voice had generally to pronounce the ultimate award. This court was in fact nothing more or less than a standing punchayet of the common kind, with a Shastree to controul its proceedings.

74th. What was the form of process in all cases before Judge and punchayet?

In reply to this query I can add nothing to the answer made to the preceding one. My inquiries have convinced me that at no period, and in no single instance, were these important duties of legislature conducted with becoming decorum. The men of importance, who should have set an example of regularity and strictness to others, in these situations were the most culpably neglectful; and though one or two in the nation might be honest and above bribery, yet they never seemed to feel the responsibility that attached to them; and sat to hear the details of a trial read to them with the same feeling that they would have listened to a complimentary letter or a tale.

75th. Were Vakeels allowed?

Yes; but they were not known (in our acceptation of the word) by that name.

76th. Is it a trade, or did relations and common Carcoons in a man's service do the business?

It is not a trade. If a man's abilities were not equal to defending his cause himself he might bring some relation or friend, or a Carcoon, to prepare his statements, and point out their strong features in his favour.

77th. Would much inconvenience result from prohibiting the employment of Vakeels?

I should imagine there would. Men's Carcoons often know much more of their affairs than themselves; and a person

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person thus situated would be much at a loss if he was obliged to plead his own cause.

Question.	*Answer.*
78th. Were the friends of the parties allowed to be present at trials, or was the court open?	Yes, the court was open; any person that chose might go in, provided he did not interrupt the proceedings.
79th. How were defendants summoned?	A Government sepoy was sent to call them. If at a distance, a note was written.
80th. Witnesses?	In the same manner.
81st. In what cases did judgment go by default?	In all cases where confessions were made as to the fact charged upon the prisoner no further process was had, and therefore it may be said judgment here went by default, although the confessions were very often extorted. This, however, made no difference in a Mahratta court of justice.
82d. Were great men obliged to attend as defendants?	Not in person. They might do so if they chose; but they usually preferred to send a Carcoon acquainted with the matter under dispute. (See the answer to Query 77.)
83d. As witnesses?	No, they were not. If their testimony was required a letter was written to them (sometimes under the Hoozzoor seal, and at other times under the Mootallikee), which they replied to. This reply was recorded as evidence.
84th. If they did not attend, how was their evidence procured?	See the preceding reply.
85th. Was giving evidence in itself considered degrading, or only from its requiring attendance?	By no means: the only objection great men had to personal attendance would appear to have been the trouble or interference with other arrangements and business.
86th. Was evidence ever taken down, and when?	This entirely depended on the diligence of the Carcoons employed to cross-examine witnesses. They seldom, however, asked more than two or three questions; and the confessions and statements of the prosecutor and defendant were almost the sole guide of the person whose duty it was to decide.
87th. Were oaths required from witnesses in civil or criminal causes?	Always in civil causes, and but rarely, if ever, in criminal ones, where the confessions of the prisoners were alone looked to.
88th. What were they, and how administered?	There were different kinds of oaths, administered by a Gooroo or priest.
89th. How was perjury punished?	By fine and imprisonment, if at all.
90th. What oath is most binding?	That which has the name of kurah. It is performed with the toolsee leaf and Ganges water placed on one of the Hindoo sacred books; and the person who takes the oath puts it on his head, and then replies to the questions put to him. If any domestic calamity befalls him within a certain number of days (seldom exceeding ten), he agrees to have his testimony considered false, and the importance of the oath is estimated by the period which is thus absurdly set apart. The other oaths are swearing by a cow, on which the defendant places his hand, or going to a temple and calling on the tutelar deity to revenge the insult offered to it

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it if falsehood is spoken; or by bathing in a sacred stream, such as the Godavery or Kistna, and afterwards standing up to the knees, middle, or neck (according to the agreement) in the water of it, and praying for some misfortune if the truth is not uttered.

Question.	*Answer.*
91st. Are oaths much regarded, and in what cases are they so; and in what disregarded?	I think not; and am satisfied when they are so it is from fear, not principle. I have had several instances of papers of mutual agreement (between people who had disputes under the late Government) being brought to me which were concluded with the most dreadful denunciations that a Hindoo could imagine, against either of the parties who should re-agitate the quarrel; yet these men, and some of them of the better classes, did not scruple to lodge complaints, and produced the papers I allude to as a mere matter of course.
92d. Did a suitor pay any fee to Government, and what?	Yes: he paid on the recovery of all debts one-fourth of the amount: and in these and all other cases, indefinite sums to Carcoons, Mootsuddies, &c.
93d. Did a defendant, and what did the party that lost pay, any fine, and what?	If he lost his suit he paid a fine; and if not a present called hurkee: but neither of these were fixed according to the amount for which he was sued.
94. How were defendants and witnesses subsisted if kept away from the villages on a trial?	Each party subsisted their own witnesses during the trial: when it terminated, the losing side had almost always to pay the expenses of the other.
95th. How were disputes about succession settled?	By punchayets.
96th. If by punchayets, of whom did they consist?	They generally consisted of the distant relatives of the parties, and at all events of persons of the same caste. They used to inquire from the Shastree if any question of law intervened.
97th. How were boundary disputes settled?	They were settled in different ways; First. By amicable arbitration, conducted by the Potails of neighbouring villages Second, by punchayets composed of the same sort of people. Third, by one of the disputants agreeing to have the grounds of his village measured, and leaving the remainder to the other party. Fourth, by measuring the ground of both villages and dividing the overplus, (the quantity of ground in each village is always known) between them. Fifth, by one of the Potails performing a *kruoh* or oath, which is done in various manners. On some occasions the Potail takes a pot of water, or a wet sod of earth on his head, and walks round the boundary which he alleges to be that of his village; if any of the water is spilled, or the sod crumbles to pieces, or a thorn pricks the Potail's foot, or he happens to stumble, the decision goes against him. In some cases the principal Daiwk of the village carries the pot of water or sod, and the Potail follows him. And in addition to the above proofs of right or wrong, it is customary to fix a certain period, within which should any one die in the Potail's family, or his bullocks be stolen or killed by tigers, or die, or his stack of straw or corn be burned, and many more equally absurd stipulations, his cause is lost.
98th. Were they frequent?	Very much so.
99th. How were disputes about caste settled?	By the caste of the disputing parties.

100th.

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Question.	*Answer.*
100th. Are there any heads of caste who settle disputes?	None who do entirely by their own voice, but they have generally much weight on such occasions.
101st. Or is it done by punchayets?	They are very uncommon in such cases, if ever used. Sometimes a sort of committee is voted by the caste to inquire into the affair, and this proceeds as is usual in punchayets.
102d. Who summon them?	The committee alluded to in the preceding reply assemble at the request of the caste.
103d. What regulations are they under?	None prescribed. The credit of the caste and established customs are their guide.
104th. Does the Government interfere, and how far?	Not unless a complaint is made to it; but in that case it could order a man to be received into his caste who had been expelled.
105th. Did the Government ever listen to complaints for wrongful expulsion from caste?	Yes, it did. The parties were called on to give in their statements, and if the fact for which the person expelled was proved, the whole was submitted to Shastrees, who determined what penances and forfeits were to be gone through and paid before he could be readmitted. These were of various kinds, at the pleasure of the Shastrees: but feeding Brahmins, and paying money to temples and to the Government, chiefly composed the latter part. In cases of wrongful expulsion the forfeits were much lower; still there was no escaping them entirely, and the caste always caroused for a day, or even more, at the expense of the accused man. Government had the power of ordering a man to be received by his caste under any circumstances, but it was rarely exercised.
106th. How did a poor man recover a debt, or obtain redress from a rich or powerful man?	If a poor man had a claim against a rich Soucar, or such person, he had seldom any difficulty in obtaining payment; because any of the inferior Mootsuddies of Government were ready to take up the business, and bring it to the notice of higher authority, unless he was paid for his silence. The Soucars, &c. knowing this, and also having a natural feeling of probity (which is unknown to Brahmins), generally satisfied their poor creditors without evasion. In the case of a powerful man owing money to a poor one, the latter had no resource (unless he had some friend about court) but to follow him about and dun him. This usually had the desired effect: for though the great men of Bajee Rao's country had not any high sense of principle, yet they were ashamed to be seen thus pursued by a creature whose demands were just, and in all probability very small. Where a poor man suffered oppression from a great one, for instance a Koonbee from a Sirsooba or Mamlutdar, it was of late years not merely very difficult to obtain redress, but absolutely dangerous to complain. Many persons were known to have been confined in hill forts, contrary to all justice, and without the knowledge of the Peishwa; and if their relations went to Poona, to state their case, they ran a great risk of being very ill-treated, and had scarcely a chance of obtaining a hearing. When a man was driven desperate by his injuries, there was one method which he could resort to of bringing his situation to the notice of the Peishwa; but even then, if he had no friend to tell his story, it availed him nothing. The method I allude to was standing in the day-time in some conspicuous place, with a lighted flambeau, while the Peishwa passed. One of the attendants was commonly sent to know the reason; and, whatever the poor man's real story might be, if the Hoojru returned and said he was mad, or that he was complaining of some injury done by a person long since dead, no further questions were put; and the wretched man, finding his last hope at an

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an end, usually committed some outrage on his oppressor's property, and fled the country.

Question.	*Answer.*
107th. If there was no resource for a poor man against a powerful man, what prevented the utmost oppression, such as was certainly not exercised in this country?	The conflicting interests and jealousies of great men, and the avidity with which they seized opportunities of ingratiating themselves by telling tales of each other, was a considerable restraint on their unjust actions, and

there was a feeling which I have adverted to in the preceding reply that weighed in favour of the poorer classes: I mean the dislike which the men of power had to being complained against, and which, fortunately for the lower orders, was considered very disreputable. There were people in power, however, who set all such feelings at defiance; and I can by no means concur in the opinion expressed in the query, "That the utmost oppression was not exercised in this country." On the contrary, as far as my judgment and inquiries go, I conceive the Mahratta nation, during the latter years of Bajee Rao's reign, to have been the most oppressed people, perhaps, in the world. The Mamlutdars, Mootsuddies, and Carcoons under Government had but one object, and that was to enrich and enjoy themselves by plundering and desolating the Ryots. The poverty to which the great majority of the husbandmen are reduced, and which can never be understood till their villages are visited, is quite deplorable; and it seems to me wonderful how they continued, even in such reduced numbers, to prosecute their labours, when they must have felt certain that they were only, by doing so, adding fresh incentives to the rapacity of those who were placed over them. In many villages where the revenues were regularly paid, the cultivators may be said to have absolutely been in a state of starvation one half the year, and had it not been for frauds which they were enabled to practise on their plunderers, they could not have even subsisted in that wretched state. That there were exceptions to this observation I do not mean to deny, for some of the Jagheerdars were exceedingly kind to the inhabitants of their villages, and took care that their servants should not distress them; but others would attend to no complaints, and nothing but a total failure in the payment of the revenue ever excited the commiseration of many of the first men. Instances also have been known where the whole of the Ryots of a district have gone to Poona in a body, and the Peishwa (who was naturally a humane man) has removed, and even fined the Mamlutdar or other officer complained upon; but there were so many methods of deceiving Bajee Rao, and making him believe that the Ryots were refractory and disobedient, that so long as the revenue was forthcoming, little inquiry was made as to the means used in realizing it.

108th. What protected him in towns? What protected him in villages?	The poor classes were less oppressed in towns than in villages, owing to the officers of Government and great

men who resided in them constantly having their eye on each other, and each being ashamed to expose himself to his neighbour. In towns, however, where there was a Sirsoobadar or a Soobadar, who was inclined to tyrannize over and plunder the people, there was no certain protection that I am aware of, and still less in remote villages.

109th. How far did dependence on great men, or connexion with dependents, protect people?	More than any thing else I know of. We find that villages, of which the Potail or his brother, or any other near relation, was a Hoojru or a Car-

coon about the Peishwa, or any very great man, were always free from the oppression exercised on others; and in some of them the Ryots were even so insolent that they would only pay their rent into the Hoozzoor treasury.

110th. How far could Jagheerdars, Mamlutdars, or even court favourites	If Jagheerdars were men of power, they could decide all causes within

 their

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Question.	*Answer.*
interfere in the administration of justice?	their jagheers, and Mamlutdars had the same authority in their districts. Court favourites usually received verbal or written instructions to investigate particular cases, and sometimes they assumed the power of hearing and redressing complaints: but this irregularity was a proof of the general want of arrangement and vigour in the Government.
111th. Could any great man try a cause or order a punchayet: if not, what prevented him?	Unless he were an officer of Government, a Jagheerdar of consequence, or had express orders to do so, he could not. Some Brahmins and learned Shastrees used at times to settle disputes (more however by their advice than authority), and afterwards report to ministers, and through them to Bajee Rao, what they had done.
112th. Could one judge or one great man try a cause which another had decided?	Not without express orders to that effect from the Peishwa.
113th. What was the practice in good times, those of Nana Furnaveese for instance?	Punchayets were almost universal, and all their proceedings were sent to court, even though approved by the Government officers in the districts. The winner of a suit was obliged to pay a hurkee or present to Government, and the loser was fined according to his means and the nature of the cause. Carcoons, Camavisdars and others were at that period obliged to report their daily proceedings. Confidential agents were kept near all men of rank and power, and no act of injustice passed unpunished. Potails who went to Poona on business were always sure of their representations being heard, and themselves being treated with attention: and this knowledge kept all descriptions of public servants in awe, however distant they might be from the capital. Peculation was punished with extreme severity, and the rights of Government were most narrowly watched over, though at the same time the Ryots were very justly dealt by.
114th. What were the principal changes in Bajee Rao's time?	Punchayets were nearly laid aside, and the decision of causes left in the hands of venal men, whose conduct, however bad it might be, was scarcely ever inquired into. Undefined bribery and plunder took the place of the established gifts (hurkees) and fines of former times. The proceedings of the officers of Government in the pergunnahs were as totally unknown at the durbar as if they had been governing a separate nation. The farming system (of all others the most destructive to a country) was introduced, and the appeals of Potails and others were hardly ever attended to.
115th. How were obstinate debtors compelled to pay?	By imprisonment, if of inferior rank.
116th. If great men?	See reply to Query 106.
117th. If ordinary men?	See reply to Query 115.
118th. Was imprisonment for debt practised?	Yes.
119th. Were any obliged to serve their creditors, and who?	This was sometimes done, but it was not confined to any particular class. The plan was to fix a certain rate of wages, and the master deduct the half of it monthly.
120th. Were children and families kept as hostages for debt?	Very seldom, though instances have come to my knowledge. It was considered a most brutal act, and Brahmins only dared to do so.

121st.

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Question. — *Answer.*

121st. Were bankrupts set free from all their debts? — Yes; when they had proved that every thing they had was sold and divided. Sometimes Government gave bankrupts cowle for a term of years (never above seven), during which their creditors could not molest them, and they were allowed in the interim to trade. At the conclusion of the period mentioned in the cowle the bankrupt was bound to begin and discharge all his debts by instalments. Such a cowle was an extraordinary instance of favour.

122d. What constitutes a bankrupt? — When a man cannot pay his daily demands, and is obliged to shut up his shop, and deliver his books to his creditors, he is a bankrupt. His goods are then all sold, also his shop, houses, &c., if he has any.

123d. What checks against fraudulent bankruptcy? — The anxiety of all classes of the creditors of a man seems to have been the great check on fraudulent bankruptcy; and from the habits of the natives, and their extraordinary accuracy in ancounts, which enables them to detail the slightest error, I should say such a thing as a man defrauding his creditors was impossible.

124th. What seem to have been the great subjects of litigation? — Disputes originating in speculations, in revenue, farming, trade, &c. There were also vast numbers of wuttun disputes, but these last are decreasing rapidly; and as the people see that our object is to settle, not procrastinate or intrigue, they seldom apply unless they have really a tolerably fair claim.

125th. Are there any new ones appearing since the introduction of our Government? — Certainly not; and with respect to the old ones, I am of opinion they are by no means so frequent as under the late Government.

126th. Was there any code of laws, or any law-book, of acknowledged authority? — Neither, if we except the Shasters; and, what was still more distressing to the people, there were no well-defined customs regarding punishments; so that where two men were guilty of the same crimes one might escape with a fine of a few rupees whilst the other was totally ruined

127th. If, as seems to be the case, the Mahratta practice differs from the Hindoo law, was the difference introduced by the Mahomedans? — I cannot reply to this point satisfactorily. I have conversed with a number of respectable, and some very learned men, on the subject of this Query, and though they admitted the difference yet they had never even thought how it could have occurred. When I hinted at the Mahomedans having introduced it, they were immediately satisfied it was the case.

128th. Are Mahomedans allowed the benefit of their own law, either in civil or criminal cases? — If a Mahomedan had a dispute with a Brahmin, or even a Hindoo of lower caste, he was subjected to the laws of the latter; but where two Mussulmans fell out, unless they had the means of bribing, no one troubled themselves about the affair. If they could bribe they might have any law they chose, and perhaps the Mamlutdar or an inferior Carcoon would send a message to the Cauzee, to order him to pronounce a decree in such a one's favour. Generally speaking, however, the Mahomedans were not only entirely neglected, but treated with a degree of contempt and indignity which is hardly credible. When Bajee Rao was at Nassick the Mussulmans of that town were not allowed to enter particular streets, or sometimes to cross the Godavery; if any one of them, no matter what his station, infringed on these rules, he was confined and fined, and in some instances ordered to quit the place whilst the Peishwa remained; and the Cauzee of the pergunnah told me that he mostly staid himself and kept

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kept all his family in the house during that period. In criminal cases Mahomedans were treated with great severity, and seem to have had the benefit of no law whatever.

(Signed) HENRY POTTINGER, Collector.

Ahmednuggur,
8th August 1819.

Criminal Justice.

Question.	*Answer.*
1st. By whom was criminal justice administered?	By the Peishwa, the officers of Government, great Jagheerdars and Enamdars, Mamlutdars, and farmers of revenue and their servants.
2d. What were the limits (whether defined or otherwise) of the powers of each person concerned in the administration of it?	The powers of each particular rank of persons named in the preceding reply were not at all defined: indeed, the whole system of criminal justice was even more deficient than the civil one. Acknowledged murders were often bought off for a few hundred rupees; yet people were at other times seized, cruelly beaten, sent to hill forts, and their property confiscated, on the slightest suspicion. Punishments were inflicted and fines levied on the grounds of confessions that had been extorted by means of torture; and Bheels and other professional robbers were very frequently set at liberty on giving security to pay within a fixed time a stipulated sum, to obtain which, it was perfectly understood, they would have to plunder travellers.
3d. Who had power of life and death?	The Peishwa and his Jagheerdars in their own country. Even there it was, however, expected that they would report all instances of capital punishment, and if they failed to do so in former times, they subjected themselves to excessively heavy fines. Latterly this form was abandoned, and some of the Jagheerdars even carried their independence so far as to put people to death out of their jagheers. This was, however, looked upon by the people of the country as the very extreme height of insolence, and wonder was excited that the most serious notice was not taken of it.
4th. Who had cognizance of serious crimes not capital?	See reply to Query 1.
5th. Who of petty causes, assaults, abusive language, calumny, &c.?	Carcoons, Mootsuddies, and all the inferior officers of Government, as well as those stated in No. 1.
6th. What were the punishments for each crime; murder, treason, theft, robbery, &c. &c.?	Treason was always punished with instant death, or confinement in a hill fort on bad salt, bread and water. The punishments for murder, theft, robbery, &c. were undefined. One man would buy himself off for two or three hundred rupees, where another lost every thing he possessed for exactly the same crime. Maiming was sometimes practised, and wretches who thus suffered were left to expire, as no one dared to assist them. But the great object of criminal jurisprudence (if any thing so infamously venal and irregular deserves the name) in the latter part of the Mahratta rule was fining and confiscation of property.
7th. Where they regulated by the Hindoo law, or by custom?	By neither: they were optional with the Judge on the occasion, unless in very momentous cases, for treason, or such crimes.

8th.

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Question.	*Answer.*
8th. Were there any forms of trial in criminal causes?	None whatever; the unfortunate prisoner was forced to confess his guilt (if he did not do so voluntarily), and it was not even thought worth while to send a few miles for witnesses who could have attested to the fact or otherwise.*
9th. Were punchayets used?	Not in criminal causes.
10th. Were Shastrees consulted, and on what subject?	Scarcely ever on criminal points. The subjects on which Shastrees were consulted were those of caste, marriages, &c.
11th. Who tried offences against morals, adultery, fornication, drunkenness, &c.?	The same officers of Government who had the cognizance of all other offences sometimes interfered in these cases, but with no intention of checking the evil, the extortion of money being the sole motive.
12th. Were there any punishments for these offences?	Fines, expulsion from caste, confiscation of property, &c.
13th. Were they tried by the caste, and if so, how were they punished?	They sometimes were, and those guilty of them expelled or fined. Shastrees were consulted on these occasions, and generally took care to be well paid by both parties.
14th. Was the confirmation of Government required to the decisions of the caste?	No, it was not. Government sometimes set an inquiry on foot into the circumstances; but this was always paid for.
15th. What was the usual mode of execution for all crimes?	Confinement in a hill fort with bread and water, the former chiefly made from salt. Tumbling culprits down from hill forts; cutting off the limbs, and suspending people in that state from trees; blowing away from the muzzle of a cannon, &c. &c.
16th. What of imprisonment?	Prisoners confined for life were usually both chained and handcuffed. They received no allowance, and were obliged to beg for a subsistence. They were generally kept in hill forts, or in gurhees. If in the former, they subsisted by the charity of the garrison; and if in the latter, they were allowed to go out once a day to beg from the people in the neighbouring village.

I shall close these replies on the criminal justice of the Mahratta Government by observing, that it seems to have been of all others the worst of their institutions, if any thing can be called such which was so wretchedly deficient in every requisite. Its only aim would appear to have been of late years to confound innocence with guilt, and to make both equally subservient to the insatiable cupidity and avarice of those in whose hands the power of awarding punishment was placed.

(Signed) HENRY POTTINGER,
Collector.

General Questions.

Question.	*Answer.*
1st. What is the character of the Mahrattas at present?	There is considerable diversity of character in the Mahratta nation. The Brahmins I look upon to be the most unprincipled, dishonest, shameless, and lying race in India; and the cultivators, though naturally a quiet, artless people, have so long suffered under the scourge of the former class, that in some leading points they appear to a casual observer to assimilate. They are, one and all, now such

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such habitual strangers to truth, that they would just as soon utter falsehood as not, though they should even have no object in doing so. This is the greatest blemish in the Koonbee's character; and to add to it, their habits of deception have become so inveterately rooted, that they can hardly believe that any person, especially the officers of Government, mean to deal fairly by them. They are so very indolent, or rather indifferent to their own benefit, that they will make no exertion themselves to better their condition in life; yet, when an obligation to perform any task is imposed upon them, they seem to work with great energy and good-will. They are very tractable when their suspicions are allayed, and thankful for kindness shown to them; but so needy, and unaccustomed to any thing of the sort, that they always apprehend deception, and expect some return to be demanded from them. I look upon it that almost all the vices with which the lower classes of Mahrattas are tainted at this day are far from natural to them; and this opinion is strongly corroborated by observing, that those who enter the military service or that of private gentlemen, are, with hardly an exception, honest, faithful, and affectionate towards their masters. It is certainly to be greatly lamented to see a whole nation so debased as the Koonbees, when compared with European nations, may be called; but as it is their misfortune to be placed under such an odious government as that of Bajee Rao's has proved itself for many years before the war, we cannot wonder to find them so, and we may reasonably hope to see them improve. Of the highest classes of Sirdars and the noblemen of the country I have had little means of judging; I think they have some good traits, and that they will become, under our example and government, men of strict honour and just feelings. Indeed, even now, I am led to imagine that the bad fame of some of them is more to be ascribed to the conduct of their Carcoons and servants, who made use of their masters' names as a cloak to their own iniquities, than to their actions. As to Mootsuddies, Carcoons, &c. I class them amongst the Brahmins, to whom I alluded in the early part of this reply. They are unquestionably the worst people I have had to deal with; their whole thoughts seem devoted to plans of ruining each other, and of making money by the basest means. They profess great veneration for religion, and are usually most strict in its outward observances: yet any of them would readily plunder a pagoda; and I have observed more instances of inveterate malice and hatred between persons of this class than all the other natives of our new provinces combined together.

Question.	*Answer.*
2d. What are the prevailing crimes, murder, for revenge or gain, robbery, perjury, &c.?	Murders are seldom committed from any other motives than revenge or jealousy. Robberies have been the most frequent crimes that have come to my knowledge or observation.
3d. What are the prevailing vices, adultery, prostitution, indecency, drunkenness, gaming, &c. &c.?	The two first named are the most prevalent; but I do not think the lower classes of Mahrattas are addicted to any of them. The Brahmins are much more immoral and indecent in their demeanour.
4th. What are the checks which keep down crimes? If any crimes, such as decoity, are observed to be less frequent than in other countries, what is the reason?	I have already mentioned all the checks that are likely to prevent crimes. It appears to me that the disposition of the Mahrattas is averse to any sort of outrage; and as a proof of this I can say, since I have been at Ahmednuggur, I have not known above three or four instances of violence in which persons of that caste had taken a part.
5th. What influence keeps down the vices?	I am not aware of any influence that operates in this respect more forcibly than public opinion; and much

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much of its weight is derived from the general moral and decent habits of the Mahratta people at large. I have always understood that drunkards and men who frequent bagnios, &c. are pointed out amongst them as persons to be avoided in all the dealings of life.

Question.	*Answer.*
6th. What powers had caste to watch over them?	Very considerable.

7th. How did they exercise them? If a man of any particular caste was notoriously bad in his conduct, the caste would refuse to eat with him, or even to associate with him; for it is a reflection on the whole body to have a member so vicious. This usually had the effect of reclaiming the outcast, if it was possible to do so; and if it did not, he was given up as incorrigible, and formally expelled: which was so very severe a punishment, that few ran the risk of undergoing it who had the least sense of shame or propriety left.

8th. What power had parents? The authority of parents over their children was, according to the Mahratta custom, very absolute. A father might chastise his child in the most severe manner, and even sell it. There was no act of a parent towards a child that Government would interfere with.

9th. Guardians? Had all the powers of parents.

10th. Husbands and heads of families? Ditto......... ditto.

11th. How was religion kept up? The expense of it was generally provided for by assignments of land, monthly stipends, &c. both from the public and private purses of the Peishwa and his Jagheerdars, &c.

12th. How were the funds allotted to religious institutions prevented from being diverted to other purposes? At all temples where large money grants were paid, a Carcoon was stationed on the part of Government; and, at all events, the jealousy and avarice of the officiating Brahmins amongst each other was an excellent check on peculation. Where villages were allotted to maintain religious institutions the same cause operated.

13th. How were religious observances enforced, by spiritual authority or by temporal alone? It was left entirely to the option of people themselves. In villages the Potail and Gooroo were bound to see the temple kept clean, and if possible in good repair: this was done as well from a proper feeling as a certain degree of superstition, which made the villagers fancy that misfortunes would befall them unless they had a temple. In towns and at temples of note there are always hundreds of needy, idle Brahmins, who go through the forms of religion to enable them the easier to impose on the world. Besides this, Brahmins are so bigotted, and have such false notions of what is right, that they consider if they go to worship with punctuality there is no crime or vice which they may not commit with impunity.

14th. What persons had influence over the people, whether in authority under Government or not, Sirdars and Jagheerdars, Mamlutdars, monied men, priests, Fakeers, Daismooks, &c. &c.? The influence which the officers of Government had over the Ryots was almost in every case the effect of fear; and the same may be said of Mamlutdars and monied men. Where Jagheerdars, Enamdars and Sirdars were kind to the villagers under them, they usually were very popular with the inhabitants; but I do not believe that the influence they possessed could be at all estimated in the light of what would bear that acceptation if speaking of a country gentleman in England. The Daismooks and Daispandees seem to be almost universally disliked by the Koonbees, and I think very justly so. Priests, Fakeers, &c.

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&c. are always treated with hospitable attention when they arrive at a village: but they have no weight beyond the moment they remain; and in towns they are seldom noticed except by some charitable persons.

Question.	*Answer.*
15th. Are there schools in towns?	Yes, invariably; and frequently several of them.
16th. In villages?	In all of a large size, and in many of the small ones.
17th. Free, or for hire?	For hire.
18th. Who teaches them?	Priests and Brahmins.

19th. Do the people generally learn to read, and what classes most? — Of the Mahratta Koonbees I do not think that more than five in a hundred (or perhaps less) have hitherto learned to read. They will now, I have no doubt, do so more generally, as they see we make no distinction in the employment of our servants. All Brahmins learn to read, and a very few of the Mussulmans. I should esteem it an excellent plan to encourage schools by small monthly donations all over the country.

20th. What do they read? — Books of stories, religious tracts, histories of their gods, their exploits, and (those who are educated for business) accounts, &c. &c.

21st. Are the people of the Mahratta country well off, or otherwise, in point of subsistence? — They are very far from being well off. The food of a Mahratta Koonbee and his family is of the coarsest, and too often the worst description. If he indulged in any one comfort his rent fell into arrears; and all his art and frugality were required to meet the uncertain demands (both as to time and amount) made on him by the Mamlutdar's puttees of various denominations. It will require some time to change this view of a Koonbee's life, but I have no doubt it will gradually become better. A man who now cultivates a piece of ground knows exactly what he is to pay for it; he makes his calculations accordingly, and if no accident occurs from an untoward season, he is sure of a moderate profit. Some of the Potails, and even Koonbees, are rich and well off; but the above is a true picture of the state of the majority of the cultivators.

22d. What classes gain and what lose by the conquest? — I am of opinion that all classes gain in a greater or lesser degree except two, the great Surimjaumy Sirdars and the Hoossrees, and other court favourites. The class that gains most is certainly the Koonbees and other cultivators, and next to them Brahmins, who had grants of money paid from the treasury or in the districts. The Mussulman part of the population also benefits very much by the change of government. I know it is a general idea that Carcoons, Mootsuddies, and such persons, have been ruined by the conquest: this does not appear to me by any means to be the case. Some have of course been thrown out of employ, and they are sure to make a great outcry; but, on the other hand, how many have been brought forward? The strictness of our rules, and the protection we afford to the Ryots from the former oppression and extortion of this class, is exceedingly annoying to them, and there are numbers of our Brahmin servants at this moment with whom our rule is unpopular merely because it is just.

I shall close these replies by a few very brief observations as to the different modes of procedure which seem to me to be best adapted to our new possessions.

Punchayets, I think, ought to be encouraged in all cases of wuttun, caste, &c., and gradually introduced (under the inspection of an European gentleman) in other affairs. It also seems to me desirable to prevail on the disputants

putants as often as possible to allow Government to nominate the members, they challenging any to whom they have valid objections.

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The administration of criminal justice is on the best footing, in my opinion, that it can be placed, and I see no improvements that could be made or are required in it. Experience may hereafter suggest some, but it certainly, as now conducted, combines simplicity with justice, and that in a new country is of the first moment.

The police is improving daily, and only requires constant attention to get it into high order; I should conceive it very ill advised to make any changes in it. Potails should be fined and punished who failed to keep up their village police establishments, and any thing like connivance with plunderers ought to be most severely visited.

With regard to Enamdars and Jagheerdars I shall only say, that I am satisfied the less they have it in their power to interfere with judicial affairs the better. They must be obliged to conform with the utmost strictness to the police regulations of the country.

The conduct of Camavisdars, Carcoons, &c. will require great and unremitting attention for years to come; and all instances of peculation, oppression, &c. ought to be marked with instant dismissal; nothing but fear will, I am satisfied, restrain that class of our servants.

Ahmednuggur, 8th August 1819. (Signed) HENRY POTTINGER.

Police.

Question.	*Answer.*
1st. A precise account of the Mahratta system of police?	In addition to the village watchmen, it was usual under the Mahratta (till the period of the establishment of Tuppasnuvess) for the Mamlutdars and other officers of Government in the pergunnahs to have a certain number of horse and foot stationed with them, who acted as circumstances might require. The great Jagheerdars and Enamdars of the country had likewise small levies, according to their rank and income, and they were bound to assist the officers of Government whenever called upon. This was the basis of the Mahratta system of police, but had of late years become sadly deficient in energy; and the facility with which the most notorious offenders could escape from punishment by bribery, rendered them quite confident; and at length it became necessary to introduce the office of Tuppasnuvess, which for a short time checked the evil to which it was applied. That office was paid by Government, and a certain monthly sum was set apart for its expenses; exclusive of which, the person exercising it had a number of the Cirkar's horse and infantry placed under him, and in some districts he was allowed to entertain Bheels and Ramoossees. The plan was good, but the instruments were incorrigibly bad, and in the course of some months the situation was regularly sold out in lots to persons who were to clear themselves by plundering the public. From that period the Tuppasnuvess became a greater scourge than the thieves it punished; without a colour of justice connived with robbers one day, received presents from them the next, (*Sic orig.*) and probably murdered them without even a semblance of a trial on the third.
2d. A detailed statement of the present plan of police?	The police of the districts under me at present partakes of both the former and recent Mahratta system, inasmuch as the Camavisdars have Sebundies (and in some places horse) stationed with them to assist in preserving the tranquility of their respective districts. I trust, however, most to the village police, and only expect the Sebundies, &c. to act when robbers come in such strength that it is impossible for the villagers to repulse them. I have apprized the different Enamdars who have villages, and shall do the same hereafter to the Jagheerdars, that I hold them responsible for giving me the earliest possible

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Answer.

possible information of any assemblage of people in or near the villages; and where there are neither Jagheerdars nor Enamdars, the Potails have been similarly warned.

Deccan.

Answer.	*Question.*

3d. Who was at the head of the whole police of the country?

The country was divided into pranths, &c. &c., and there was an officer at the head of each. These Sirsoobadars or Soobadars (as they were generally styled) corresponded with one another, and also formerly transmitted reports to the ministers. But there was nothing like a clear and well defined system; authorities were always clashing. If a thief escaped out of one pranth, he frequently went and purchased protection in an adjoining one; and when inquiry was made after him an excuse was formed.

4th. What were the powers and duties of the village watchmen?

Their duties were to guard the village by night and day, as far as lay in their power, and if theft or robbery did occur, to trace the thieves. They had no authority of any sort: if they traced a robber to or through another village, after he had committed depredations in their own, they called on the watchman of that village to prosecute the search with them; and if there was no such person (as sometimes was the case) they spoke to the Potail, who sent for the nearest watchmen to assist in the business.

5th. Of the Potail and Koolkurnee?

Both these people, especially the Potail, could order any of the watchmen of their own village as they chose. If it was necessary to go to a distant part of the country, or to interfere with another village, the Potail wrote a note. The Potail's, &c. duty was to see that the watchman was not careless; that he was punctually paid; that suspicious people did not assemble near his village, and that the officers of Government who arrived were treated with becoming attention.

5th (2). Of the Shaikdars?

The Shaikdars (where there was one,) instructed the Potail what was to be done on these occasions, and reported it.

6th. Of the Daismooks? and

7th. The Daispandees?

These persons had nothing to say to the police of the country beyond the influence which their situations as revenue officers may be supposed to have given them, and the interest which it would have been expected to take in the quiet and prosperity of the country. I however consider them to have very often exerted all their energies to screen plunderers, and have actually known them to share in their spoils.

8th. Of the Mamlutdars?

The Mamlutdar's authority was only inferior in police affairs to that of the Tuppasnuvess; and it was often so ill applied, that it thwarted the endeavours of the latter to apprehend robbers and other offenders.

9th. Were there any more links in the chain of police authority?

All the officers of Government had more or less to say in such matters; and where a village was plundered, or any violence committed, the Carcoon or Shaikdar stationed in or near it was bound to make immediate and strict inquiries.

10th. What was the office of Tuppasnuvess?

In addition to the observations made in reply to Query No. 1 of this section it is only requisite to say, that the Tuppasnuvess was intended to have been an officer of unlimited authority in police affairs. He could seize whom he liked; imprison, and fine them; and even Trimbuckjee Dainglia, when he was Tuppasnuvess, put several people to death without any ceremony or form. Some of them were known to have been innocent of the crime for which they were butchered.

11th.

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Question.	*Answer.*
11th. What was the plan of police in the best times of Government?	That which is detailed in the commencement of the reply to Query No. 1.
12th. What changes were introduced in late days?	See replies to Queries 1st and 10th.
13th. What is the general state of the police, good or bad?	I think it is now tolerably good.
14th. What is the pay of a village watchman?	About three, or three and a-half rupees monthly,
15th. What is the precise way in which it is paid; in land or money, or fees, and by whom paid?	It varies in different villages: in some land is allotted; in others the Ryots furnish each a certain portion of grain, vegetables, &c., and the remainder in money. In all cases it is the Potail's duty to see the watchman paid according to his agreement.
16th. Is it sufficient for his maintenance?	Barely so, if he has a family; but he usually cultivates a small spot himself, or watches fields, or cuts wood, or gathers fuel or grass during the day, and this assists. His wife and children also join in these extra labours.
17th. Are there watchmen to every village?	No.
18th. Are they required where they do not exist?	I consider it very desirable to see them in every village, and encourage it by all means in my power. Hereafter I propose to oblige each village to have one.
19th. Can they be procured?	Yes, with great facility.
20th. What castes are watchmen?	Bheels, Coolies, and Ramoossees, and in some districts Maungs.
21st. How do they proceed to find out theft?	When a village has been plundered, or a theft committed, its watchman goes to all the neighbouring ones, and makes inquiries until he hears something of the road that the plunderers were seen upon, either coming or returning. If they belonged to his own or the adjacent districts he will in all probability be able to discover them immediately, and if they come from a distance he will at least ascertain by what route they entered the pergunnah. Many of the watchmen are great adepts at tracking people by their footmarks, and they often carry the pursuit in this manner from village to village, and from one district to another, till the thieves are discovered. Each Potail and watchman is bound to take up the search when it is brought to his village.
22d. What means do they possess of knowing the people of their village?	They are bred up from infancy to pay the greatest attention to all classes of people; and a good and clever watchman will not only know soul in his village, but in a large pergunnah, especially such as are of suspicious character.
23d. Is there any distinct police beside the Mamlutdar's Peons?	The horse and foot of great Jagheerdars and Enamdars may be considered as distinct in some points of view, as they were not immediately subject to the Mamlutdar's orders.
24th. Are the Potails and village watchmen attentive?	In general they are very much so; of course there are some few who are inattentive, and who even connive at thefts.

25th.

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Question.	*Answer.*
25th. How was inattention or connivance punished under the old Government?	By fines, imprisonment, confiscation of Potailship, &c. In good times it was punished most severely.
26th. What powers had great and small Jagheerdars?	The latter could seize offenders and confine them till they reported to the officers of Government; the former, as already stated, were almost absolute in their own districts.
27th. Enamdars?	The same observations may be applied to the different classes of Enamdars.
28th. Chiefs of Bheels?	If they were in the service of Government, they might detain and send in suspicious persons; but they could not inflict punishment, or lay hands on Potails or people of any consequence, unless ordered.
29th. Were there any heads of castes or professions?	Yes, called Chowdries.
30th. What were their powers?	They could, and were bound to collect the tax levied on the profession. When a number of persons of the profession were required for any purpose, the Chowdries assembled them, on being called upon by any competent authority. These Chowdries were elected by the suffrages of the caste, and usually received a sunnud from the Government or one of its officers.
31st. In what state are they now?	The Chowdries are generally kept up, and obeyed without hesitation. Some of the castes in Ahmednuggur and other large towns under me, who latterly had no Chowdry, requested leave to nominate one, which I permitted; and it has answered exceedingly well reviving this old custom.
32d. What measures of preventive police existed?	They were very harsh; people were confined on suspicion, and even fined and punished.
33d. About suspected persons?	If any suspected person came to a town, one of the police Peons, or some other spy, was appointed to keep an eye on him. In villages the watchman did so; and if it was thought advisable to seize him he was sent to the Mamlutdar's, or nearest officer of Government, who probably extorted a sum of money from him as the price of being set at large.
34th. About moving out in improper hours?	People found abroad in towns or villages at improper hours, were confined till they could give an account of themselves.
35th. About stolen property?	Nothing could be worse regulated than the point to which this query alludes. Stolen property was publicly bought and sold all over the country, and the receivers and buyers of it were seldom even called on to state whence they had got it, when found in their possession.
36th. How far were Potails, watchmen, Shastrees, Naicks, Chowdries, &c. responsible for the conduct of the classes under them?	Potails, Naicks and Chowdries were held in some degree responsible for the behaviour of the people under them; and if they found they could not restrain the improper conduct of any particular man, they were to report him to the officers of Government nearest at hand. If a villager had borne a tolerably fair character, and was guilty of any crime, the Potail was not expected to answer for it; but if he had long been notorious as a thief and vagabond, and the Potail had neglected to make this known, he incurred the severe displeasure of Government,

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Government, and was perhaps fined. These observations apply to Chowdries and Naicks of regular people, but those of Bheels and Coolies had allowances made for them.

Question.	*Answer.*
37th. Was the sale of liquor forbidden or regulated?	It was regulated, and so strictly till of late years, that it almost amounted to a prohibition. The avarice of Mamlutdars and the wilful neglect of Government, recently combined to increase this evil in a great degree; still it is much less prevalent than in any other country I am acquainted with.
38th. What was the custom about furnishing Begarees?	The Davishes (and in important cases even the Koonbees) of villages were sent as such by the Potails.
39th. How were they paid?	The Davishes were paid by allotments of ground, the Koonbees not at all.
40th. How were provisions furnished?	Travellers hardly ever halt in villages where there is not a shop: but in the event of any one being obliged to do so, he sent to the Potail and stated his wants. The latter then either furnished him from his own stock, or called on all the villagers (or as many as was requisite) to produce a share of what was needed. The Potail received the price, and divided it amongst the Ryots in proportion to what they furnished.
41st. Were any articles furnished gratis?	Firewood, and straw or grass, to the officers of Government, but nothing to common travellers.
42d. Are villagers responsible for stolen property?	They are where the Potail has furnished travellers with a jaglah, or watchman: not otherwise.
43d. If they are, was it reckoned a hardship to enforce the demand?	This depended on circumstances. If a traveller put up in a village, and got a watchman from the Potail, who went away in the night, there was reason to doubt connivance, and a demand of restitution was no hardship; but if a man was in a village, and thieves came and attacked him, and overpowered the watchman, it would not have been fair to force the Potail to pay. In general, however, he had to do so.

(Signed) H. POTTINGER,
Collector.

REPORT *of* WILLIAM CHAPLIN, Esq., *to* CHIEF SECRETARY *to* GOVERNMENT,

Dated the 5th November 1821.

Mr. Chaplin's Report, 5 Nov. 1821.

SIR:

1. The accompanying jummabundy reports and statements of the several collectorates of Darwar, Poona, Ahmednuggur, and Candeish, for the fusly year 1229, ought to have been submitted to the Honourable the Governor in Council at a much earlier period; but several of the reports, and many of the corrected accounts connected with them, were not received at my office till nearly the close of the fusly 1230, which expired in June last; and in attempting, after their receipt, to consolidate the materials which compose them, I found such a want of uniformity in their preparation, and so much imperfection in the mode of entering the details, which in different collectorates were inserted under different heads, that I was precluded from the possibility of forming such a general abstract as might be depended upon for

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for its accuracy; I was therefore obliged to call for explanations regarding many of the particular items of these accounts, which have only lately come to hand.

2. Previously, however, to proceeding to lay before Government the general result, I beg permission to state that I had hoped before the present period to have received from the several Collectors in the Deccan reports on the effect of the Circular Instructions founded on the Honourable the late Commissioner's report, which were issued on the 27th June in the last year, as well as replies to the detailed instructions regarding the preparation of Statistical Tables, and to interrogatories, chiefly on revenue subjects, which I drew up and circulated in November last.

3. These, added to the reports of the Collectors on the settlement of fusly 1230, prepared according to approved forms and instructions issued on the 20th September last year, would have constituted a mass of information calculated to have enabled me to give a general exposition of the present state of the Deccan; but a pressure of current business, occasioned by the absence from sickness of several of the assistants of the Collectors, and by the difficulty of introducing amongst the district Revenue officers, who have been brought up in the Mahratta school, an attention to form, method, and regularity in the preparation and transmission of accounts, joined to other causes, has hitherto deprived the Collectors of sufficient leisure to furnish me with the materials adverted to.

4. For the above reasons, although fully aware that the attention and expectation of the Honourable the Governor in Council are turned towards the future condition of the Deccan, I must solicit the indulgence of a further delay of a few months, when I may with some confidence anticipate that the possession of more complete information as to the general effect of the present provisional system of administration will put it in my power to point out what may be considered to be its defects, and to suggest to the consideration of Government some arrangements for its improvement. Without being possessed of the further lights which I expect to derive from the local experience of the Collectors, it would be premature to hazard any decided opinion on the advantages or defects of the present mode of management, I shall therefore confine myself on the present occasion to a short recapitulation of the contents of the several reports, and to a few incidental remarks and suggestions which will naturally arise from a review of them.

5. The Honourable the Governor in Council will observe from Captain Briggs' report, that the settlement in Candeish for a long course of years had been made with each Potail on the best terms procurable, without reference to the individual distribution; but the Political Agent states, that a foundation was laid in fusly 1228 for a regular system of assessing each individual cultivator by means of an actual measurement of all the cultivation, the extent of which being determined, the rents were fixed on an average of the rates of the previous twenty-five years wherever accounts were procurable. All items of cultivation were judiciously included in the settlement in the first, which Captain Briggs describes as an establishment kept up throughout the country for the purpose of watching the crops, and preventing them being reaped by the Ryots without permission of the Government officers. Having been considered to be equally vexatious and expensive, it was with some few exceptions abolished, pursuant to the orders of the Honourable the late Commissioner, and it is satisfactory to find that every success is represented to have attended the measure. The contribution in grain, in which this tax consisted, has been commuted for a money-payment: and whilst a great relief has been afforded to the Ryots by the measure, a considerable saving has resulted to Government by the abolition of these watchmen.

* 10. Attached to the document No. 1, in the Candeish accounts, is a list of the items composing the gram khurch, or village expenses of 1229. The amount of these items was judiciously included in the total settlement of the village, and the expenditure confined to a certain limit, by which measure much of the misappropriation of the preceding fusly has been brought to the credit of Government, without, I think, intrenching upon the indulgences to which the

* The paragraphs, 6 to 10, are transposed in the original.

the villagers are by immemorial usage in the Deccan entitled, but which have been always greatly abused under native administration.

11. The various standards of measurement in use in Candeish are exhibited in the Collector's Statement No. 2.* The great diversity which prevails is certainly an evil of no inconsiderable magnitude, for it must occasion great inequalities of assessment, and much uncertainty in its amount; but I do not think that any manifest advantage will result from adopting Captain Briggs' recommendation, that one uniform measure shall be established until a regular survey shall be undertaken. The modification which he suggests might tend further to confuse the already perplexed and intricate accounts of villages, since it would probably increase the inaccuracy which it is intended to remedy.

12. The document No. 3,* shewing the rates of assessment in twenty-three (Sic orig.) villages of fourteen pergunnahs, on what is called the patus, that land or lands irrigated by public water-courses, which is assessed with reference to the description of the article that may be down, is an important document. Captain Briggs proposes to abolish this system, and to form the assessment on all such lands by taking about the average of the different rates that they have heretofore paid; the rent however to be fixed on the spot, according to local circumstances. I certainly agree with him that, as a general principle, the practice of regulating the rent with reference to the produce must prove a discouragement to agricultural speculation and improvement, and that it is preferable to fix it according to the quality and circumstances of the land; leaving it ever afterwards perfectly to the discretion of the Ryot to raise whatever produce may be most suitable to the condition of the land, or the probable state of the market for the article. This peculiar mode, however, of assessment, which varies with the crop, existing in Guzerat, where agriculture has risen to such an improved pitch, furnishes an argument against hastily innovating upon the old customs of the country, which are often to be respected for their utility, though somewhat at variance with our general principles of political economy. I am therefore disposed to recommend a perseverance in the existing custom until, by means of a regular survey, we can so form the assessment as to give it a chance of more stability than it is likely to attain by the proposed modification of adopting the medium rates, as suggested by the Political Agent.

13. The varieties of rates of assessment on land watered by wells and land not watered from artificial sources are exhibited in the table No. 4,* with Captain Briggs' proposed alcrations. These differences, as he states, are no doubt in a great measure referable to the varities in the measurement. It is suggested that the sixty-eight rates shall be reduced to eight of the molusthal, or well cultivation, and eleven of the zeraut, or dry land cultivation classes, with reference to their present assessment. But, to be of any use, it strikes me that the table of rates must be so modified as to render it applicable to local circumstances, instead of being framed, as it appears to have been, from the general accounts of the whole province: which in the first instance, whatever was due to the village or direct authorities, being afterwards deducted, by which (Sic orig.) measure a check was established against one of the great facilities to exaction. These arrangements enabled Captain Briggs to bring to account much concealed cultivation, and to add, as he states, to his jumma upwards of five lacs of rupees, over and above the estimate which he had submitted founded on the actual collections of the preceding year, and on the average of the ten preceding years.

6. The measurement described by Captain Briggs must necessarily, I think, have been extremely superficial, and most probably inaccurate, for the Carcoons employed for such temporary purposes being under very little check, they usually league with the villagers, and divide with them the profits of concealed cultivation: their reports are therefore very little to be depended upon, and the less so as the cultivator himself was prevented, in the course of that year, from visiting the districts. The details of his settlement must consequently have been mainly conducted by his native servants; and much malversation having been subsequently brought to light, it may be presumed that the apparent increase of revenue constituted only a part of the suppressed resources

* Not printed in these Selections.

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resources of the preceding year, which had now been developed; and that the estimate which he had previously submitted of the expected revenue must have been formed on defective information, greatly below what the country was actually capable of yielding.

7. It is to be regretted that untoward circumstances, which the Collector adverts to, again prevented him from commencing the jummabundy of 1229 till so late a period as the month of February, when a great part of the settlement of every collectorate, from the advanced state of the cultivation, ought to be completed. Either that gentleman however, or his assistants, visited every pergunnah and made their inquiries on the spot, the result of which is shewn in the several documents that accompany his report now under review. These papers contain much information, but as they are not prepared according to the more complete forms in which I hope hereafter to receive the jummabundy accounts of each collectorate, I have had some difficulty in deducing from them the following summary of the revenue of 1229.

Candeish.

The total jummabundy of the collectorate was as follows :—

The land-rent, including mohturfa, &c. ...... Rupees				15,31,944	2	62½
Abkarry, or toddy and arrack farms				31,457	1	12½
Zukaut, or customs				1,25,316	0	37
Total .... Rupees				16,88,718	0	12

From this the following deductions must be made :—

Mokassa and other hucks, or rights enjoyed by Jagheerdars and Serinjamedars..................... Rupees	35,802	1	82			
Hucks of Zemindars	60,140	2	87			
Ditto of Potails and village officers	56,478	0	31			
Allowances to pagodas and mosques	20,303	1	56			
Wurshawuns	12,537	2	0			
Village sadirwarred, or gram khurch	37,180	2	94			
Total deductions .... Rupees				2,22,442	3	50
Remains nett revenue as per kistbundee, Rs.				14,66,275	0	62
Of this sum there remained outstanding at the end of the year				26,828	1	83
Leaving net collections realized ... Rupees				14,49,446	2	79
To which may be added, amount of judicial fines and extra revenue				10,166	0	21
Making a grand total of .... Rupees				14,59,612	3	0

The charges were as follows :—

				Per Centage.					
Huzzoor cutcherry and sadirwarred, Rs.	1,27,698	2	38	7	2	25			
Ashtean and Sebundee Peons	1,43,537	2	62	8	2	0			
Ramossees and Bheels	12,803	3	75						
Talook Sebundies and sadirwarred	3,35,254	2	44	19	3	41			
Pensions, &c.	13,537	3	44	0	3	20			
Shrawunmass, &c. ...	13,530	2	87	0	3	20			
Adawlut expenses ...	14,199	2	62	0	3	36			
Total charges Rupees							6,60,563	0	12
Remains nett revenue, &c. .... Rupees							7,99,049	2	88

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8. From the foregoing abstract it will be observed that the revenue and police charges amounted in fusly 1229, or 1819-20, to the very large sum of Rupees 6,19,294. 3. 19, which is upwards of thirty-six per cent. of the revenue. These charges are eight or ten per cent. higher than those of any other collectorate in the Deccan, but they are in a great measure swelled to this amount by the size of the Sibundee establishments, in which considerable reductions have been subsequently effected; other reductions have also been made, and the Collector's attention has been frequently directed to the subject of an economical reform.

(Sic orig.) 9. The system of Havildaree, which in many respects are doubtless very incorrect. The averages are well calculated for the purpose of exhibiting a general view of the prevalent scale of assessment; but in practice the rates must be adopted to each separate village, according to the various classes of land that may be found in it, a work which can only, in my opinion, be completed by a regular survey; for no superficial local scrutiny can ever obtain for Government its just dues on the one hand, or give security to the Ryots on the other, against over-assessment.

14. The statement of the gross value of the land produce, No. 5,* submitted by Captain Briggs, might I think be more appropriately denominated an estimate, because it is formed from accounts and materials that cannot have been sufficiently authentic to furnish data from which very accurate results can be deduced. The account itself is an evidence of a commendable spirit of inquiry on the part of the Collector, but as it evidently leaves a proportion of profit † to the farmer, infinitely beyond what is usual in any country, and especially so in India, the correctness of the conclusions is more than questionable. In proof of this, I may advert to some discrepancies in Captain Briggs' account which I am unable to reconcile. In the account No. 5,* of the quantity, quality, and value of land produce, he reckons with regard to the first article, that 2,328 beegahs of land are cultivated with Kumor rice; that each beegah yields 406 seers, which at sixteen seers to the rupee makes the value of the gross produce of one beegah Rupees 25. 1. 38; out of this gross produce it would appear, from the account No. 3,* that on an average Rupees 17. 0. 75. is the share payable to Government, leaving a balance to the Ryot of Rupees 8. 0. 63. This being the case, it is not easy to conjecture by what process of calculation in the account No. 5,* so unaccountably large a share of the gross produce is left to the Ryot, and the order of things in fact so completely inverted. In the next article of Satty rice, I find, on comparing these two accounts, that instead of one-third of the gross produce being left to the Ryot, as is the case in the article of kumur produce, about three-fifths go to the Ryot and two-fifths to the Government. It may be said that No. 3 * is an account of a particular village, and No. 5* a general account for the whole of Candeish; but this circumstance alone is not sufficient to explain so great an inconsistency as exists in the two statements.

15. The pernicious influence of district Zemindars, to which I had occasion to advert in a late report to Government on that class of functionaries, is justly enough described by Captain Briggs. It would be gratifying to report that the fraudulent sources of their emoluments had been as effectually stopped as he represents them to have been; but it is too obvious, from the result of the late investigations into the delinquencies of the public servants, that the existence of this flattering state of things has been prematurely anticipated by the Collector. The commutation which Captain Briggs suggests of their demands in kind from the villages for a money payment, or as he in a subsequent letter recommends for whole villages, is a measure worthy of consideration, as likely to furnish the most effectual check to the abuses which are so habitual wherever these Zemindars are permitted to exercise any sort of authority: the rights, however, of the village officers should, I think, remain as they are, and those of Potail and Koolkurnee, where they may have been either abridged or discontinued, should be restored to a state of efficiency proportionate to the revenue

* Not printed in these Selections.

† Sircar's share	22¼
Ryot's ditto	77¾

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revenue of their respective villages, since it is quite clear that where the remuneration for services is not equal to the labour and responsibility, the difference will infallibly be made up by unauthorized emolument. The principle of regulating the allowance of Potails, as laid down in the general rules which have been circulated regarding istawa villages, may, I think, be adopted with advantage.

16. It will be an object of my inquiry in the course of my approaching visit to Candeish, to ascertain how far Captain Briggs' propositions for modifying the Pandraputtee or Mohturfa, is expedient. Any one general system of assessment superseding local wages is often found to be extremely vexatious to individuals, and has the effect only of shifting the burden from the shoulders of one to those of another, to the detriment of the revenue, without relieving the general pressure; it is obviously, however, one branch of the revenue in which reform is desirable. The scheme suggested by Captain Briggs for effecting this improvement, is to make all tradespeople take out licenses for exercising their several professions, the price of such licenses to be fixed from an average formed upon an extensive scale.

17th. As Captain Briggs however anticipates, objections to this innovation may present themselves, which renders it problematic whether more evil than good might not result from its adoption. The price which he proposes to fix for the licenses of each class will evidently be beyond the means of many individuals included in the class who have never hitherto paid so large a tax: it must in consequence operate on those individuals as an exclusion from the trade; on the other hand, it is infinitely below the ability of many who have hitherto borne a much larger imposition. The same remark will apply to licenses for loom; the loom of one man who has a large stock, a number of persons capable of work in his family, and the means of hiring labourers, may be three or four times as productive as the loom of a poor weaver without these facilities; and to make all pay the same amount for their licenses will make the burden extremely unequal.

18. A perceptible improvement has taken place in the revenue from customs; the amount realized for 1229 having exceeded that of 1228 in the sum of Rupees 41,058. They were rented in 1230 for Rupees 1,70,811; but the farmers appear to have over speculated, and a balance of about Rupees 21,000 which is considered irrecoverable, must I apprehend be remitted.

19. Captain Briggs recommends that many of the taxes specified in his statement, No. 8,* shall be abolished, a few of them being of partial operation. I think that the suggestion is deserving of consideration; but several of them having been imposed perhaps with reference to local considerations, may not be felt at all onerous: and as, in the present state of our finances, no source of revenue (unless palpably oppressive) should be abrogated until another is substituted for it, I am disposed to postpone offering any final opinion until I shall have more fully acertained the expediency of their abolition. Captain Briggs' suggestions are frequently valuable, but they must be cautiously received and acted upon, as they are sometimes too speculative, and more theoretical than practical.

20. I have authorized Captain Briggs to complete such part of the repairs of the dams as may be requisite to secure the revenue, and further to undertake such as he may have personally ascertained to be calculated to produce immediate improvement. I have, however, taken more than one opportunity to desire him to transmit detailed estimates of those repairs, without which there is no check on the Mamlutdars who have the handling of these disbursements. Even with such checks, works of this nature always open a fertile source of peculation, and I therefore think it fortunate, that no extensive repairs having yet been undertaken in Candeish, one of the widest channels by which the public money is usually diverted to private use has been closed against the dishonesty of the native servants in that province.

21. The Governor in Council will observe with satisfaction that a considerable reduction of the native establishments took place in 1819-20, and a still

* Not printed in these Selections.

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still greater reduction has, as I have already stated, been since made under my instructions of Sebundies, the particulars of which have been already laid before the Government, along with Captain Briggs' proposed Moyen Zabitah of the current year.

Bheels.

22. The state of Candeish, as far as it relates to the reformation of the lawless habits of the Bheels * appears to be considerably improved, and Captain Briggs deserves much credit for his exertions in reclaiming so large a proportion of these banditti as he represents to have returned to a life of industry. The subsequent excesses of that part of those marauders that infest the eastern range of hills have a good deal disturbed the tranquillity of the country in that vicinity; but the renewal of these disorders, which it was perhaps impossible for any vigilance to prevent, does not detract from the merit of the Political Agent's exertions in other quarters.

23. These events, added to the destructive effects of the epidemic on the labouring population, and to the unauthorized exactions which have of late been brought to light, must tend materially to retard the progress towards prosperity which would no doubt have rapidly taken place under other circumstances, in a country which possesses so much of the materials for improvement. The success however which has every where attended the istawa leases, aided by the liberal advances which have been made of tuckavee, will, I doubt not, be amply sufficient to produce an early invigoration of the resources of these once fertile districts; and this result may be secured, I think, without having recourse to proposals similar to that which is offered at the close of Captain Briggs' report on the part of the Soobadar Nimbalkur, who desires, in consideration of an advance of 25,400 rupees, to reclaim and re-people the deserted valley of Pall, a district of great extent situated to the westward of Burhanpoor.

24. Captain Briggs being himself aware of the objections to this speculation, has merely thrown out the proposition for consideration. He considers it of course inadmissible, as long as there exists so much fine cultivatable soil in the interior of Candeish, to which the labour of the peasantry may be more beneficially applied, with a prospect of almost immediate advantage to themselves as well as to Government.

Ahmednuggur.

25. The Collector of Ahmednuggur had in the course of the year acquainted me with the mode in which he was making his settlement, and has not in consequence entered into much detail upon that topic in the report now submitted. Where accounts of the kumal rent were not forthcoming he adopted the tunkah as his standard for fixing the revenue: by standard he means the maximum by which he was guided, for the actual state of the cultivation compared with former accounts could be the only sure criterion by which to determine the actual settlement of the year.

26. The thinness of the population of the Ahmednuggur district, which had fallen into decay after the war and famine of 1803-4, and the recent effects of the epidemic, have been insurmountable obstacles opposed to any rapid improvement of their resources. The great demand for labour had induced the Mahratta authorities to hold out unusual temptations to the cultivators, and the old rates of rent were reduced even to the Meerassadars and Thulkurrees, and still more so to the Bechytees or Packarrees, who are less permanent residents; great difficulties were in consequence experienced in adjusting the rents with reference to any known standard. Wherever these reduced rates were found to have prevailed for any considerable period, a small increase only was laid on, and this increase was stipulated to be progressive annually till the rents should be raised to the old kumal standard. In cases, however, in which the villages had become nearly depopulated, istawas according to the rules established by me in the Southern Mahratta country were granted on a more extended scale, as had been prescribed by the instructions of the Honourable the late Commissioner, previously circulated to the different Collectorates.

27. Captain

* Vide Letter dated the 10th September.

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27. Captain Pottinger made his settlement by villages in the first instance, but superintended himself the koolwar, or individual distribution of the rents of every tenth village, which was as much as his time would admit: the rest were left to the Mamlutdars, who were personally to make the ryotwar allotment of each mouza, and to transmit to the Collector for his seal and signature the pottahs or leases of each cultivator. The Collector, in reporting these measures, expressed his opinion that any attempt to raise the rents of the Ryots more rapidly than he had suggested, would have the effect of injuring rather than improving the revenue.

28. The attention bestowed on the subject by Captain Pottinger is conspicuous in his arrangements, which I considered to be judicious; and his observation relative to the futility of any vain attempts to raise the rents being founded on experience, I took occasion, in signifying my concurrence in his measures, to recommend to him a perseverance of his fostering system of management, the result of which will, I doubt not, be soon evident in the meliorated condition of the Ryots and the augmentation of the public revenue.

29. The arrangement of fixing the gram khurch, as noticed in the report now under review, by which six per cent. was appropriated for covering both this charge and providing for wurshasums newnooks, is reported to have answered exceedingly well; the expense, however, has been very great, and this branch of expenditure being fraught with abuses, still requires a great deal of investigation, by which a very considerable saving of the public money will eventually be effected. In the total of these disbursements some expenses for pagodas and mosques appear to have been included, but the particulars have not yet been furnished.

30. Much irregularity obtained in the payment of the official emoluments of the Daismooks and Daispandees in fusly 1228, but those in fusly 1229 are reported to have been placed on their right footing; and as the amount of these perquisites are now determined with reference to the revenue of the villages, a direct interest is held out to the Zemindars to promote the cultivation of the country.

31. The following is a summary of Captain Pottinger's settlement of 1229:—

The land-rent, including mokassa, &c. &c. ... Rupees				23,26,364	0	12¼
Abkarry, or toddy and arrack farms				26,981	3	30¼
Zukaut, or customs				2,27,382	0	44½
Total ... Rupees				25,80,674	1	87
From this the following deductions must be made:—						
Shetsundee, or village Sebundee lands ... Rupees	12,530	0	75			
Mokassa and other hucks or rights enjoyed by Jagheerdars and Surinjameedars	1,06,569	1	19			
Hucks of Zemindars	1,28,115	2	69			
Ditto of Potails and village officers	54,790	0	50			
Allowances to pagodas and mosques	22,073	0	69			
Wurshasums	15,817	1	50			
Village sadirwarred or gram khurch	71,350	1	31			
Total deductions ... Rupees				4,11,246	0	63
Remains nett revenue as per kistbundee, Rs.				21,69,428	1	25
Of this sum there remained outstanding at the end of the year				9,951	0	87
Leaving nett collections realized... Rupees				21,59,477	0	38
Carried forward ... Rupees				21,59,477	0	38

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Brought forward.......... Rupees	21,59,477	0	38
To which may be added, amount of judicial fines and extra revenue..	15,155	0	25
Making a grand total of .... Rupees	21,74,632	0	63

The charges were as follows:—

				Per Centage.		
Huzzoor, cutcherry and sadirwarred, Rs.	1,43,938	0	69	5	2	38
Asham and Sebundie Peons	2,69,469	1	06	10	1	77
Ramoosseesand Bheels	32,514	0	0	1	1	04
Talook Sebundies and sadirwarred	2,29,885	1	31	8	3	63
Pensions, &c.	38,639	1	81	1	1	99
Shrawunmass allowances	56,506	2	63	2	0	76
Wurshasums and charities..................	77,486	3	25	3	0	01
Adawlut expenses ...	38,744	3	81	1	2	0
Hospital ditto	6,684	3	63	0	1	04

Total charges .... Rupees	8,93,869	2	19
Remains nett revenue .... Rupees	12,80,762	2	44

Poona.

32. Captain Robertson's jummabundy letter does not contain much information regarding his settlement, but he expresses his intention to submit a continuation of the subject of a report which he sent on the 1st May preceding. This report being in an unfinished state, I intended to wait for the sequel of it before transmitting it to Government; but as the promised continuation is not yet come I forward it as it stands, under the impression that it is already sufficiently expanded to furnish abundant matter for present consideration. The unfinished section now submitted professes to relate more to the revenue management of the former Government than to our own: but it is hardly possible to condense and arrange the various ingredients, which are thrown together with singular want of method. Many useful hints and conclusions might be drawn from the information which it conveys, if the Collectors would epitomize the mass; but in its present shape it is rather a *rudis indigestaque moles*, containing shreds and patches of history, mythology, metaphysics, theology, and religious philosophy of the Hindoos, with something of a nomenclature of their gods; a description of their attributes, and other minutiæ that might interest the literary society, but which appears to be a little misplaced in a report professedly on revenue management.

33. Captain Robertson enters into a full delineation of the features of the Poonah Collectorate, and shews its extent, rivers, mountains, climate, and diseases; the character, constitution, and habits of the natives; its towns and houses, and its remarkable places of pilgrimage and devotion: all of which are topics both interesting and instructive.

34. The administration of the celebrated Deccan manager, Mullik-umber, is shortly treated of in the forty-eighth and forty-ninth paragraphs of Captain Robertson's letter. It is followed by an account of Toorul Mull's financial arrangements under the Emperor Akbar; on which it is conjectured that Mullik-umber's revenue system was founded. Mullik-umber's is stated to have been a considerable improvement upon Toorul Mull's plan, the former being a fixed money-rent, whilst the latter varied with the produce of the year. The Collector proceeds to discuss the advantages of fixing a moderate limit to demand, and enlarges upon it with much truth, but with little novelty of illustration. The nature of meerass tenure and of its incidents is, however, well explained

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explained and elucidated: but this interesting subject of the report is suddenly suspended in the sixty-third paragraph, and is succeeded by a digression relative to the political changes, and the geographical distribution of the country, about and shortly after the time of Mullik-umber down to the period of Sewajee's government. Many pages contain but little matter bearing upon revenue, except that it is inferred from Sewajee's well concerted military operations, and from his appointment of a number of officers to direct the affairs of his government in detail, that the foresight of this chief was also extended to the details of revenue economy, and that a fixed rent in kind was adopted throughout his conquest. This inference is not exactly deducible from the premises, though all accounts which we possess, and the evidence of tradition, concur to induce the belief that Sewajee, whatever may have been the principles of his fiscal economy, was a provident manager. But there does not seem to be much proof adduced that the land-tax bore any fixed proportion to the value of the land; or in other words, that the respective shares of the Government and the Ryot were determined on any given principles.

35. Mullik-umber, it appears from the one hundred and third paragraph of the Report, after fixing the rents, left the amount to be realized by the Potails, without interfering with the individual distribution; but as much of the land at this time is said to have been meerass, it is concluded that many abuses of over-assessment could not have been committed. It is not stated that any definite checks against the exactions were established, but the very existence of meerass tenures satisfactorily, I think, proves that, to a certain degree, there was some limit to assessment, without which we know the tenure must be annihilated. It may nevertheless be doubted whether, even at this era of good government, the meerass tenure possessed much stability, since it appears from Captain Robertson's statement that the Potail, on emergency, could compel the Ryot to assist with an extra contribution; he, however, is described as merely the agent of Government, for realizing from the aggregate body of the Ryots the Circar's dues, and not as a contractor for a certain rent, so that he probably possessed but little discretionary power to abuse his trust.

36. Captain Robertson is of opinion that the fixed rent due to Government from the whole village was not, under ordinary circumstances, liable to any increase, and that it consequently became the interest of the corporate body to extend the cultivation with a view to reduce the weight of the quotas on individuals. The theory of this system is excellent, but it is not likely to have been put in practice for any long continued period of native government; nor could it have been very general; for we find a money assessment prevailed only partially, and that a large proportion of the Poona sooba paid either a fixed grain-rent, or a share of the gross produce: both of which systems are open to so many abuses, that it is difficult to suppose that much uniformity or regularity could have existed.

37. The money rents, when paid, is stated to have been founded on the grain rent, and the conversion is said to have been made at one-seventh of the prices of the present day; but until I shall have completed some inquiries which I am now making, I may be permitted to entertain some doubt of the accuracy of the Collector's calculations; and the more particularly so, as his conclusions seem often to rest only on probability. Whatever may have been the merits of Mullik-umber's settlement, it has been almost entirely departed from in practice; and it is to be regretted, that all traces of it are in the present day nearly obliterated.

38. A new measurement and assessment are stated by Captain Robertson to have partially taken place in 1757-58 in the country round Poona, the result of which he informs us was called the Kumal. There is probably some misapprehension in this, the Kumal being in its general acceptation either the standard fixed by the Mussulmans at a much more remote period, or the highest recorded assessment at those times, when the revenue was most productive. The assessment alluded to by Captain Robertson may perhaps have been a revision of the old assessments, and the result may probably have been recorded as the Kumal, or standard for future guidance. The subsequent explanation of the Kumal does not appear to me to be entirely satisfactory, but on this point I shall reserve my opinion till I shall have procured some more complete accounts of the Kumal

and

and Tunkha settlements, a subject on which I am endeavouring to collect information.

39. With respect to the Collector's observations on the different measures and modes of fixing the rents it may be briefly stated, that they are every where exceedingly numerous; and the beegah, or common measure, in use in some places is assessed at one uniform rate, but differs, as he shews, in quantity, with reference to the nature of the soil, as a greater or smaller extent is allotted, in proportion as the land is of a superior or inferior quality, the rent of the beegah being determined according to the established usage of each village. In other places, however, instead of an uniform rate of rent from a beegah of variable extent, the assessment is fixed upon the beegah upon an uniform measure, higher or lower, according to the various classes into which the land may be divided, with reference to its productiveness or to the expense and difficulty of cultivating it; other usages are followed in particular places, where the assessment is fixed on an appraisement or conjectured estimate of the crop; but I shall on a future occasion enter more fully on this subject, the remarks of the Collector of Poona not being, in my opinion, offered in such methodical order as to enable me on the present occasion to follow him with much chance of my elucidating his statements.

40. The great benefits that would arise from a fixed settlement, conducted in the mode which the Collector describes in the forty-ninth paragraph, are not at all problematic; but that such uniform moderation was observed as is represented, not only during Mullik-umber's time but for a century afterwards, requires, I think, better evidence than Captain Robertson has yet adduced in support of the long existence of so fostering and patriarchal a system.

41. The information which follows in several succeeding paragraphs, regarding the duties of Sirsoobadars and other revenue officers, are satisfactory proofs of the Collector's research, but they do not possess sufficient novelty to require that I should particularly advert to them.

42. The evils of the farming system are justly exposed by the Collector in the one hundred and seventy-sixth and succeeding paragraphs, and some curious documents are quoted to show the oppressions to which it gave rise.

43. In the one hundred and seventy-ninth paragraph the Collector expresses his intention to follow up the subject of the assessment of former times, which he has discussed in his present report by certain suggestions regarding the amount that ought to be paid in the present day. This subject of discussion will be interesting, and the points which he proposes particularly to consider are unquestionably of primary importance. Much light may be expected to be derived, in the course of the inquiry, from Captain Robertson's talents, ingenuity, and diligence; but without a new survey and assessment under fixed rules, I fear we shall be unable to profit effectually and practically by his very commendable and elaborate inquiries.

44. The result of Captain Robertson's settlement of fusly 1229 is exhibited in the following abstract:—

The land-rent, including mokassa, &c. &c.	Rupees	7,15,536	2	43
Abkarry, or toddy and arrack farms		82,603	1	44
Zukaut, or customs		1,96,555	0	0
Total	Rupees	9,94,694	3	87

From this the following deductions must be made:—

Mokassa and other hucks or rights enjoyed by Jagheerdars and Surinjameedars	Rs. 54,131	3	06				
Hucks of Zemindars	5,923	2	75				
Ditto of Potails and village officers	11,336	3	31				
Allowances to pagodas and mosques	13,016	2	94				
Village sadirwarred or gaum khurch	4,121	2	25				
Total deductions				Rupees	34,398	2	25
Carried forward				Rupees	34,398	2	25

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Brought forward......... Rupees	34,398	2	25
Remains nett revenue as per kistbundee	9,06,164	2	56
Of this sum there remained outstanding at the end of the year...	13,419	2	50
Leaving nett collections realized...... Rupees	8,92,745	0	06
To which may be added, amount of judicial fines and extra revenue..	8,284	1	63
Making a grand total of .... Rupees	9,01,039	1	69

The charges were as follows:

				Per Centage.		
Huzzoor, cutcherry and sadirwarred ...... Rs.	71,571	2	69	7	0	78
Asham and Sebundie Peons	58,174	0	37		3	39
Ramoossees and Bheels	13,414	1	37	1	1	46
City police charges ...	65,179	3	31	6	2	21
Talook Sebundies and sadirwarred...........	55,130	0	45	5	2	17
Charge extraordinary...	15,859	1	25	1	2	38
Pensions, &c............	2,17,991	2	19	21	3	66
Shrawunmass allowances	42,969	0	06	0	0	06
Wurshasuns and charities	27,292	0	06	0	0	06
Adawlut expenses	25,472	3	63	2	2	25
Hospital ditto	11,160	2	75	1	0	49
Survey charges...........	11,568	0	0	1	0	65

Total charges .... Rupees	6,15,783	2	13
Remains nett revenue .... Rupees	2,85,245	3	56

Dharwar.

45. The improvement of the resources of the Southern Mahratta country which might have been expected to result from the change of government, has been retarded in a greater degree, perhaps, in that quarter than in any other part of the Deccan, by two causes: the prevalence of the epidemic, and the failure of the crops. In fuslies 1228 and 1229 the cholera is estimated to have swept away 25,000 souls out of a computed population of less than 600,000; and of these casualties the proportion of Ryots is reckoned at something short of 10,000.

46. In the eastern talooks the crops have proved generally scanty ever since we took possession of the country; and as the highness of prices but inadequately compensates for the scarcity produced to the lower orders, who live from hand to mouth, and cannot keep their grain with a view to take advantage of the markets, some distress has ensued, which has been but partially removed by very liberal remission.

47. The same inconvenience which is experienced elsewhere in making the revenue settlements, is found in the Carnatic, or Southern Mahratta country, from the great variety of land measures in use in every district, and often in one village. Mr. Thackeray fully describes the discrepancies that prevail, and suggests that where a survey shall be commenced, the English acre, which has been observed as the standard in the Ceded Districts, may be adopted.

48. By way of experiment he has surveyed several villages under Sir Thomas Munro's rules, and he represents the result to have given general satisfaction, although its partial effect has been to raise the assessment of a few cultivators in each village, who formerly profited by the old undefined standard of measurement.

49. Finding

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49. Finding the plan entirely applicable to the Southern Mahratta country, he recommends that it be gradually carried into effect by single talooks or districts, under his own immediate superintendence, and he proposes to begin with one of the districts that is most highly assessed, in which he may be able to make such reductions as will tend to render the survey generally acceptable. The scheme I consider to be very judicious, and in soliciting the consideration of the Honourable the Governor in Council to the pertinent observations which the Collector has offered relative to the advantage, or rather the necessity of the undertaking, I beg to solicit the authority of Government for prosecuting this desirable work, being confident that Mr. Thackeray is fully competent to bring it to a successful conclusion.

50. The cowle-namahs issued in May 1819 not having been sufficiently indulgent to prevent the competition of our neighbours, Mr. Thackeray last year, having previously represented to me the necessity of it, extended the period of them, and it will now be no longer possible for the Jagheerdars to attract our stock and population to their lands. The istawas established for depopulated villages have proved very successful; but as the benefit of them are confined to villages almost entirely deserted, the full advantage which might be expected from the more general reclamation of waste has not been yet derived from these cowles. Mr. Thackeray, in consequence, suggests that the istawa rules may be extended to all villages that have been reduced to one-third of their former produce; and as the reasons he adduces to shew the necessity of extraordinary indulgence are, in my opinion, conclusive, I have taken upon myself to sanction the measure.

51. The circumstances which put it in the power of the Jagheerdars to exercise so much moderation in their management as to enable them successfully to complete with us forths for the labours of the Ryots, as stated by Mr. (Sic orig.) Thackeray with much discernment, their ample income and limited expenditure leave them the ability, where they possess the inclination, to be easy landlords. The charges of our more efficient general government are so heavy, that we cannot perhaps in our revenue dispensations deal so liberally by our tenants: but we may recollect at all times with advantage, that the observance of a steady and uniform moderation in our assessment is in the end invariably the most profitable, as well as the most beneficial line of policy.

52. The Collector very properly deprecates any innovation on the simplicity of the native institutions. Where impaired, he proposes to restore their efficiency; but as they have been approved and perfected by the experience of ages, and have arisen out of customs, religion, climate, and constitution of things extremely dissimilar to our own, I coincide in thinking it would be wrong to raise on the old base any superstructure of heterogeneous materials.

53. Concurring fully in Mr. Thackeray's observations, I shall at once proceed to show the amount of his jummabundy of fusly 1229, as exhibited in the more detailed statements which he has forwarded.

The land-rent, including mohturfa, &c. ...... Rupees	23,54,228	2	12
Abkarry, or toddy and arrack farms	38,254	3	12
Zukaut, or customs	1,49,001	0	72
Total .... Rupees	25,41,484	1	96

From this the following deductions must be made:—

Shetsundee, or village Sebundies' land	1,50,025	3	63			
Mokassa and other hucks or rights enjoyed by Jagheerdars and Surinjamedars	7,851	2	56			
Hucks of Zemindars	49,495	1	21			
Ditto of Potails and village officers ..	33,702	0	45			
Allowances to pagodas and mosques	47,384	0	66			
Wurshasuns	16,314	0	97			
Village sadirwarred or gaum khurch	6,280	0	82			
Total deductions.......................... Rupees*				3,11,503	2	30

 Carried forward... Rs. 3,11,503 2 30

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Brought forward......... Rupees	3,11,503	2	30
Remains nett revenue as per kistbundee, Rs.	22,29,980	3	66
Of this sum there remained outstanding at the end of the year	5,973	2	09
Leaving nett collections realized ... Rupees	22,24,007	1	57
To which may be added, amount of judicial fines and extra revenue	64,130	3	43
Making a grand total of.............. Rupees	22,88,138	1	0

The charges were as follows :

				Per Centage.		
Huzzoor, cutcherry and sadirwarred ...... Rs.	1,78,472	2	27	7	0	09
Asham and Sebundee Peons	3,33,301	0	54	13	0	45
Irregular horse	69,828	3	86	2	2	99
Talook Sebundies and sadirwarred...........	90,675	2	13	3	2	27
Extra charges	10,991	1	52	0	1	73
Tank repairs	1,813	2	0	0	0	29
Pensions, &c............	1,768	3	96	0	0	27
Shrawunmass allowances	9,779	0	73	0	1	54
Wurshasuns and charities	13,996	3	41	0	2	20
Adawlut charges	1,486	1	23	2	0	33
Political ditto	27,199	0	69	1	0	26
Post-office ditto	9,988	1	29	0	1	57
Loss from exchange ...	3,977	3	31	0	0	62

Total charges.......................... Rupees	7,66,629	2	94
Remains nett revenue .... Rupees	15,21,508	2	06

Having shewn the revenue and charges of each collectorate, it may be necessary to exhibit a synopsis of the same for the whole of the Deccan, which will stand as follows :—

				Per Centage.		
The land rent, including mohturfa, &c. .... Rupees	69,28,073	3	29¼	86	3	3
Abkarry, or toddy, &c, arrack farms	1,79,297	0	99¾	2	1	19
Zukat, or customs	6,98,200	3	53½	8	3	78
Total.	78,05,571	3	83	100	0	0

From this the following deductions must be made :

				Per Centage.		
Shetsundee, or village Sebundies' lands	1,62,566	0	38	2	0	33
Mokassa and other hucks, or rights enjoyed by Jagheerdars and Serinjameedars	2,04,355	0	63	2	2	47
Hucks of Zemindars..........	2,93,675	1	52	3	0	49
Do. of Potails and village officers	1,56,307	0	57	2	0	1
Allowances to pagodas and mosques	1,03,227	1	85	1	1	29
Wurshasuns	44,669	0	47	0	2	29
Village sadirwarred, or gram khurch	1,18,932	2	32	1	2	9

Total deductions ...	10,33,722	3	74	13	0	97
Remains nett revenue as per kistbundee	67,71,849	0	09	86	3	3
Carried forward...... Rupees	67,71,849	0	09	86	3	3

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										Per Centage.		
Brought forward...... Rupees							67,71,849	0	09	86		3
Of this sum there remained outstanding at the end of the year							56,172	2	29	0		88
Leaving nett collections realized							67,15,676	0	80	86	0	15
To which may be added amount of judicial fines and extra revenue							97,736	1	52	1	1	1
Making a grand total of							68,13,412	2	32	87	1	16
The charges were as follows:												
Hoozoor cutcherry and sadirwarred	5,21,681	0	63	6	2	74						
Asham and Sebundie Peons	8,04,482	0	59	10	1	22						
Irregular horse	69,828	3	86	0	3	18						
Ramoossees and Bheels	58,732	1	12	0	3	1						
City police expenses	65,179	3	38	0	3	34						
Talook Sebundie and sadirwarred	7,10,945	2	33	9	0	44						
Charges extraordinary	26,850	2	77	0	1	37						
Tank repairs	1,813	2	0	0	0	7						
Pensions, &c.	2,71,937	3	40	3	1	94						
Shrawunmass and allowances	1,22,785	2	29	1	2	29						
Wurshasuns and charities	1,18,775	2	72	1	2	5						
Adawlut expenses	93,253	3	29	1	0	77						
Hospital do.	17,845	2	38	0	0	92						
Political do.	27,199	0	69	0	1	42						
Post-office do.	9,988	1	29	0	0	52						
Loss from exchange	3,977	3	31	0	0	20						
Total charges							29,25,277	3	45	37	2	50
Remains nett revenue							38,88,134	2	94	49	2	66

General Observations.

54. A consideration of the variety of land measures in use, of the diversity and inequality of the rates of assessment, and of the almost uniform want of accurate village accounts, has forcibly impressed me with the necessity of an early survey and assessment of the lands throughout the new acquisitions in the Deccan. The undertaking seems no less necessary, in order to ascertain their real resources for the benefit of Government, than to prevent the over-assessment of the Ryots, the fixing of whose rents at present must often be capricious and arbitrary, and as often liable to occasion distress to the individual as loss of revenue to Government. The territory has now been three years in our possession, and by the time the jummabundy of the present fusly shall have been completed, the several Collectors will have had leisure to acquire such a mass of information regarding the capabilities of villages, and the people will have become so much accustomed to our rule, that I think the survey may be commenced without any risk of compromising the public resources, or occasioning any alarm that the measure may lead to the infringement of private rights; I am, therefore, strongly disposed to recommend that early in the ensuing fusly a survey may be instituted gradually in each province, the Collector commencing cautiously with one talook, and thus feeling his way and ascertaining his ground before undertaking the work on a more comprehensive scale.

55. Should the Honourable the Governor in Council approve of the suggestion, I would take the liberty to propose that the rules laid down by Sir Thomas Munro in the Ceded Districts should be adopted as the groundwork; and in that event, I shall embrace an early opportunity of submitting such modifications of them as may have been dictated either by subsequent experience, or may be suggested by local circumstances and considerations.

56. I am at present engaged in inquiring into the effect of a tax included in the collection of the custom revenue which appears to me most particularly to affect the agricultural interests: I allude to the duties on the transit of grain, which constitute, I believe, nearly one-third of the custom revenue. I am not at present prepared to recommend the abolition of these duties, because the measure would occasion great pecuniary sacrifice; and as the tax is not loudly complained

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complained of as a grievance, the sacrifice is not immediately necessary. It must, however, be extremely prejudicial to the cultivating classes; for no Ryot can now carry the produce of his farms to a distant market without such an accumulation of road duties as must operate as a complete bar to the speculation; he is obliged therefore to sell on the spot, to carriers or grain merchants, who can afford to carry on the wholesale trade, and to advance the road-duties, instead of conveying his crops himself to market, at a season of the year perhaps when he has no other employment for his carts or his bullocks. It is no uncommon thing in the Ceded Districts for a Ryot to carry his grain a distance of one hundred and fifty miles, when he has a prospect of selling it to a good advantage; but there are no duties levied on this article except upon exportation beyond the frontier, and consequently there are no obstructions whatever to the grain trade. As far as I can learn, the cultivators here seldom speculate in this way on account of the obstructions adverted to, which must, I think, be a vast drawback to agricultural improvement; and it may, perhaps, be a question, whether or not the high prices of grain which usually prevail in the Deccan are not mainly owing to this tax, and the numerous impediments and vexations which it carries along with it. My opinions on this head are at present, for the most part, conjectural: but should my further inquiries confirm the belief now entertained, I shall again bring the subject to the notice of the Government.

57. In respect to any other part of the custom duties I do not think that there are any particularly burthensome; and I am decidedly of opinion that the existing plan of farming the privilege of collecting them is preferable to the aumanee plan. The latter has led to abuses so extensive amongst the custom-house officers, to so much smuggling amongst traders, and to such vast frauds on the public revenue, that it has, I understand, been abandoned in the Madras provinces, where the farming system has, I believe, been again reverted to.

Judicial and Criminal Department.

58. Although not fully prepared at present to offer any matured suggestions on the very difficult question of improving the system of administering civil and criminal justice, it will be expected that I should advert to those important subjects; I shall accordingly submit a few observations relative to the present state of the civil and criminal business, and for the sake of perspicuity I shall speak separately of each collectorate.

59. It will be proper however to premise, that the original instructions of the Honourable the late Commissioner are still in force in the Deccan. By these instructions the punchayet was directed to be considered the main instrument of civil judicature, all suits being referable to these tribunals, whose decisions are final, except in cases where corruption or gross partiality might be proved to have influenced the award, or where the award itself might be grossly unjust. An appeal in all cases was to be allowed to either party; and on its being preferred, the Collector was instructed to examine the proceedings of the punchayet, and to institute such further inquiries as the case might call for. But when no appeal took place the decree of the punchayet was to be enforced, and was never to be set aside, unless, as above explained, it were proved to be materially wrong. Revision of punchayets was discountenanced as not necessary or proper, except in cases of alleged gross error, corruption, or injustice; and with a view to prevent the delay in the execution of awards, which is so peculiarly incident to these courts, the Commissioner declared that he would not receive appeals, or interfere with decisions, any further than might be necessary for the purpose of ascertaining that the general rules on which judicial proceedings were to be conducted had not been infringed or deviated from.

60. The above rules were confirmed, with but little modification, by the circular* issued under the sanction of Government on the 27th June 1820, and particularly in the ninth to the fortieth paragraphs inclusive, to which I beg leave to refer, as relating almost exclusively to the dispensation of civil justice. The several Collectors were desired to report from time to time on the effect of these instructions; and as they have now been in practice for upwards of fifteen months, I hope soon to receive from them a detailed account of the general result; in the mean time I shall proceed, as proposed in paragraph

graph 58, to give a succinct report of the state of the judicial file for each division of the Deccan, as deduced from the returns which, soon after receiving charge of the commission, I directed to be furnished every quarter.

Candeish.

61. The most striking feature of Captain Briggs' returns is the paucity of (*Sic orig.*) civil suits that have hitherto been filed in Candeish up to November 1819 no returns were required from the districts, and the Political Agent states, that he is unable, from the records of the Judicial department in his office, satisfactorily to fill up the columns of the abstract for 1819-20 for the quarter antecedent to March 1820, no accounts having been kept of a nature calculated to give the information required. He exhibits, however, a return of causes filed during the year, amounting to one hundred and twenty-eight.

Of which were decided by punchayet	87
And by Aumeens, or decree of court, or razeenamah	4
	91
Leaving a balance on the file of	37
	128

62. In the succeeding year, 1820-21, seventy-two causes have been settled by punchayets, six by razeenamah, and five by Aumeens; and only eighteen suits remained on the file at the end of the year.

63. The circumstance of the demand for justice being so very limited in Candeish, attracted my attention very early after I received charge of the commission. Captain Briggs had accounted for it, in some degree, on the ground of the rejection of complaints for exactions by Mamlutdars of the late Peishwa, and of his declining to admit demands for the repayment of advances by Sahookars during the former government; but as these reasons obtained equally in other parts of the Conquered Territory, I conceived it to require some explanation, that in an extent of country like Candeish, yielding a revenue of fifteen lacs, there should be such an extraordinary absence of litigation, which appeared to me to be inconsistent with the demoralized state of that province. It seemed to me possible either that facility of access was not given to complainants, or that the Mamlutdars used their discretion in deciding of their own authority, or perhaps exercised an influence in keeping back complaints; since I did not consider that the poverty and depression of the people which prevailed in other districts besides Candeish, furnished an adequate cause for such a comparative difference in the amount of the demand for justice. I therefore called the attention of the Political Agent to the subject, and suggested to him the possibility that the apparent disinclination to complain might arise from our Government being new to the inhabitants, who were not yet inspired with that degree of confidence, which in general renders them much too prone to seek redress from European officers rather than have recourse to private arbitration.

64. In reply to my observations Captain Briggs stated that many complaints were compounded, and adjusted to the satisfaction of the parties, and therefore not recorded; that the readiest access was at all times given by him, personally, to complainants, and that a proclamation to this effect had been published. The Political Agent then proceeded to explain to me how his judicial business was conducted, in the following terms.

"In order that I may not be considered remiss in the essentials of this important duty, I beg leave to explain how it is conducted. Every person having a complaint, brings and delivers it to me in writing. It is then read, and the person against whom the complaint is made is called upon to reply to it. If he is present or at hand, an investigation immediately takes place; but, as most of these complaints are brought from the mehals, a letter is immediately written to the Mamlutdar of the district, enclosing the plaintiff's written complaint, and this letter is given to him, while a duplicate is sent by dawk; the Mamlutdar then calls on the defendant, and if the question is disputable a punchayet assembles for its investigation, and when concluded the proceedings are transmitted to me, and the award confirmed and sent back;

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" back; and a monthly register of all causes tried during the month is sent in " with the accounts. This mode appears to me consistent with the instruc- " tions I have received; but if I should have mistaken them, I shall be happy " to be corrected. Where, however, property or right is not disputed, and no " investigation by punchayet takes place, it is neither considered as a civil " cause, nor is it entered as such.

" The very great paucity of civil causes is certainly remarkable: but when " we consider the total absence of all trade and manufacture in Candeish; that " specie was hardly known, but that the articles of life were in most instances " bartered for exchange; that the only borrowers were indigent farmers, who " procured grain either for subsistence or for seed from Soucars, and gave " receipts for money at an exorbitant interest, which was partly repaid the " next year by a portion of the crops at a reduced value; that the Soucars " themselves were merely the agents of monied men at Poona, and whose " business was transacted entirely by bills; it is easy to imagine that, in such a " state of society, the only monied debts which could arise were confined to " those of the farmer and the Soucar. Those have been rejected before our " administration; and since that period an influx of upwards 40,00,000 of " rupees which has absolutely been brought into Candeish and put into cir- " culation by our troops, together with the circumstance of nearly 2,00,000 " rupees which have been advanced as tuckavy to the Ryots, who, as I said " before, are almost the only class of inhabitants in the country; are events " which render the very rare occurrence of civil suits not altogether so " unaccountable. The very great encouragement to industry under a Go- " vernment that affords ample protection of person and property and the " indigence of all classes which compels every man to labour for a subsistence, " are, amongst a society like that of Candeish, the principal causes to which " we may perhaps refer the absence of crime in general. Except in a very few " instances, within the last eighteen months there have been no robberies com- " mitted but by Bheels, a class of people which has for the last twenty years " lived in the hills, and subsisted exclusively by depredations: and even these " seldom or ever escape detection. I am considerably within the mark when I " say that of this part of the community there were no less than 5,000 persons " distributed in small bands, who perhaps never once earned by honest industry " a single meal during that period; but it is a source of satisfaction to know " that those very persons, without the loss of fifty human lives, have been " reclaimed from their habits, and have become instruments of a vigilant and " excellent police. This subject, however, is too notorious to require me to " dwell on it; but I shall be sorry to think that the paucity of crime or of " complaint is ascribed by my superiors to a want of confidence in the justice " of our administration, or to a laxity in the establishment of personal " security.

" The absence of civil suits, I conceive, is chiefly to be ascribed to the " following causes. The only two classes in society in Candeish, if we except " the soldiery and freebooters, were persons who cultivated the land, and the " Bunjas or Shroffs, who forestalled the produce of the crops by loans. The " intricate mazes of all disputes of this nature are shut out from inquiry, and " the complaints of the Bunjas are not admitted; while on the other hand the " cultivators are loud in their complaints of exactions on the part of Arabs, " Mamlutdars, and other licensed plunderers, which are also rejected on the " same grounds as the former. The sudden restoration of order and of " justice; the free sale and prompt payment for the produce of the soil, and " the inundation of specie, equal perhaps to more than treble what has for an " age been in circulation; together with liberal advances from Government " of money without interest; has left little subject for pecuniary causes of a " nature that require investigation by punchayet. Some there are, no doubt, " such as family disputes, of which a great variety have been tried and " decided; but they are many of them of old standing, and some have been " decided under the late Government."

65. This explanation afforded by Captain Briggs certainly accounted in some degree for the paucity of civil causes, and as many complaints relative to revenue transactions, requiring a good deal of investigation, might be advan-

advantageously settled without any regular decree, I authorized him to continue to decide them summarily, but directed him to refer all other suits that could not be adjusted by private composition to punchayets. I also approved of his mode of receiving complaints, and of referring them to the Mamlutdars, as explained in the third paragraph of the letter above quoted: but I still repeated the expression of my apprehension, notwithstanding the substantive reasons assigned for the infrequency of complaints; that either the district officers took upon themselves to decide on complaints, or that they quashed them altogether; that otherwise a larger number of causes would appear in his returns, since it was hardly possible but that there must be a few disputes for the division of family property, for succession to inheritance, or for civil injuries, in almost every town of any magnitude; and with reference to the subject of village loans, which, if admitted, would alone form a fertile source of litigation, I took occasion to inform him that many of these transactions, though some of them were usurious and fraudulent, might be considered *bonâ fide* debts entitled to a fair hearing and adjudication.

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66. Whether the reasons assigned by Captain Briggs have or have not continued to operate, certain it is that his file continues to be uncommonly light, though the number of causes decided by punchayets, or otherwise, is extremely limited.

67. His early letters to me represent the disinclination that the people evinced to having their causes referred to punchayet, and the decided preference which they shewed to the adjudication of them by himself and his assistants. He discovered, however, that most of these complaints were unfounded, or of so litigious a nature, that punchayets at once rejected them: a circumstance which certainly exhibits a proof of the discriminating judgment of those tribunals, and clearly accounts for the disinclination that was shewn by suitors to that mode of adjudication. An aversion appears also to have existed to complaining to the Mamlutdars in the first instance, notwithstanding the great delay which invariably ensued from the complainants coming to the hoozzoor, a distance of seventy or a hundred miles. The causes of this want of confidence in the punchayets and in the native officers, may probably be traced to the general corruption which prevailed during the late Government, when no suit was listened to without a bribe, and no cause decided without the judge's participation of the *chose in action*.

68. Whatever may be the motives for preferring an investigation by European officers, it is quite certain that, consistently with attention to their other multifarious avocations, the Collectors cannot hear and decide civil causes; and even if they possessed leisure, I am of opinion that the inquest of the punchayet is, in many respects, to be considered in the first instance preferable to any investigation through European agency. The Collector can have leisure only to hear civil suits in appeal, when such suits are for good reasons deemed admissible. His time will not admit of his investigating them in the first instance, and it does not therefore seem expedient that an option should be left to parties, whether or not they will refer their causes to punchayets. That mode of settlement, where its defects are in some degree removed by able superintendence, is unquestionably well suited to native habits and prejudices, and well calculated to ensure equitable decisions. Where a plaintiff has really just ground of complaint, he seldom shews any disinclination to this mode of adjustment; it is chiefly where a plaintiff has a bad cause, which he knows will not bear the scrutiny of his neighbours, that he seeks redress at a distance, in the hope that the merits of his case being less understood, there may be a better chance of his succeeding in the object of his suit. Where delay in the decision of a suit arises, as appears to be frequently the case, from the protracted absence of the plaintiff without good cause, a reasonable period might be fixed, due notice of which should be given to the plaintiff; and in default of his attendance within the prescribed time the suit might be dismissed and struck off the file.

69. But the district officers require to be constantly stimulated to the due discharge of their duty in superintending the operation of punchayets, and to be severely fined or occasionally dismissed for neglect of it; and an unremitting, and perhaps more than common interest on the part of the Collectors, is

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is no less essential to the success of this instrument of justice. It is as necessary as oil to the wheels of a machine, the movement of which becomes clogged if not kept constantly greased and lubricated. Long abuse and disuse have much enfeebled the efficacy of punchayets, and they can only be restored to perfect efficiency by a careful and close attention to their invigoration on the part of the local authorities.

70. In the circular instructions dated the 27th June, which are founded on Mr. Elphinstone's report, the eventual expediency of appointing Aumeens in very large towns to assist the Mamlutdars in superintending punchayets, is contemplated; but the experiment was to be first made whether the Mamlutdars could keep down the business. Captain Briggs some time ago advised the appointment of judicial Carcoons for the Mehauls, on monthly salaries of about twenty-five rupees, as substitutes for Aumeens; but as there are no large towns in that quarter, and as I considered that judicial officers with the powers of Aumeens ought not to be appointed on such an inadequate salary as he recommended, I objected to the measure. The number of Carcoons to each district was already so great, that any addition of this sort might, I thought, be well dispensed with; and the state of judicial business, as exhibited in the quarterly returns, certainly rendered that part of the circular instructions inapplicable to Candeish, since the object of the appointment of Aumeens was chiefly to prevent an accumulation of civil suits. I however at the same time intimated to the Political Agent, that if the demand for justice in any quarter was so considerable as to make the appointment expedient, it would not be objected to. Captain Briggs has since availed himself of the aid of the Sebundie Carcoons, who had little else to do, in keeping the records and in performing the writing part of the judicial business of the district.

71. In a letter to me under date the 30th October last year, the Political Agent gives the following rather favourable view of the state of his judicial administration:—

" Having said so much on the effect of our criminal jurisdiction, I shall " now take a view of the civil judicature. The lists that are transmitted " quarterly do not exhibit a great number of causes, considering the extent of " the province. I have formerly adverted to the origin of this circumstance, " arising, as I conceive, in the first instance out of the total stagnation of " trade, and to the nature of the population, which consists chiefly of two " classes: the needy cultivator without power, and the sturdy lender, who " was usually connected in some way or other with the farmer or Mamlutdar " of the district, and who had always the means, after the demands of the " latter were satisfied, of compelling the cultivator to pay to the utmost of his " ability. In many instances the money-lender paid the cash direct into the " hands of the Mamlutdar, and took bonds of from fifty to one hundred per " cent. from the cultivator, to be paid in kind at the harvest season. These " lenders usually managed all the money concerns of the Ryots, keeping " an account of grain against cash; and it not unfrequently happened that the Ryot got back at the end of the year, or received at an advanced rate, the same grain he had previously paid for at a depreciated rate to the Sahookar, in liquidation of the last year's demand.

" Under these circumstances, there were few balances due at the time we took possession of the country. The Ryots, now no longer requiring the aid of these middle-men, owing to the liberal advances made by Government without interest, have no longer any transactions with them, and the principal money causes which now remain are those of insignificant persons who became middle-men on a small scale, and had no support from the hand of authority, such as Gosseins and small Bunjahs acting as pedlars. There are some claims by Arabs and others for money advanced to re-people deserted villages, for which in many instances land has been granted by Potails.

" The causes which appeared the most complicated, and those which threatened to overwhelm me with business on first entering the country, were those of hereditary rights; it was fortunate that these were referred to punchayets. It appears that within the last ten or twelve years particularly,

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" a great deal of iniquity on this head had taken place in procuring powerful " agents, for the consideration of bribes, to subvert the order of succession, " and transfer certain hereditary rights and privileges belonging to the head " of a family to a junior member of it. The minute and tedious investiga- " tion of these cases were gone into with patience by punchayets, and although " the decisions have not always been sufficient to deter the person who has " been cast from persisting to demand another inquiry, yet, of all the cases " decided in this way, it has not been found necessary to reverse one, not- " withstanding some have been carefully revised and examined by me.

" Upon the whole, the system of civil judicature, as conducted by pun- " chayets, appears hitherto to be well adapted to the object of obtaining speedy, " cheap, and ready redress.

" Previously to the 1st January 1820 no regular register of the civil causes " decided by punchayets was kept; the parties settled their dispute, brought " their decision to me for signature, after having both declared their willing- " ness to abide by the result, and gave in a copy of the proceedings. This " system has been enlarged on by requiring a registry of all causes decided " by punchayet; and the list between 1st January 1820 and 1st September " (eight months) exhibits one hundred and seven awards; and on that day " there were eighteen causes on the file, delayed chiefly by the consent of the " parties. The greater regularity which now prevails, and the accumulation " of causes, which renders it difficult to procure members to sit on civil pun- " chayets, and in a small place like Dhoolia the duty is rather a serious evil " to those called on. I brought this subject to the notice of the Honourable " the sole Commissioner, as far back as December 1818, when I pointed out " the hardships of procuring members for punchayets, and recommended some " remuneration for the members. The subject did not then meet with appro- " bation in the proposed form, which was that of requiring the parties to pay " the punchayet daily for their attendance: an arrangement which it was con- " ceived would have quickened the interest of both plaintiff and defendant " in bringing forward their proofs; but it was then thought, on the other hand, " such a plan would have tended to make it the interest of the punchayet " to delay the final settlement of the cause. The difficulty of procuring the " members for punchayets, and the hardships of attending so constantly as " they are obliged to do at the Adawlut, have rather increased than diminished; " and I beg leave to point out the necessity of my being authorized to deter- " mine some fee for the punchayet to be paid on the final settlement of a " cause, proportionate to its nature and the ability of the litigant parties. It " is not my intention to have this authority extended to the Mehauls, where so " arbitrary a power would be liable to much abuse.

" The last subject is that of the magisterial duties as applied to the hearing " of complaints. One hour after my coming to my office, daily, is set apart by " me, in person, to receive any complaint which is not referable to the " Mehauls; and my First Assistant, Mr. Hodges, when not actually engaged in " criminal trials or any other business, is accessible from ten till five o'clock " every day, to hear complaints, and to write letters to the Mehauls on the " subject. A register of each complaint is made; one copy of the letter to the " Mamlutdar is given to the plaintiff, and another sent by the dawk; and at " the end of the month the Mamlutdar sends in a list of the persons who " have, and those who have not appeared for redress, and a statement of what " measures have been taken in each case. The duty of listening to complaints, " of putting the persons in the way of obtaining redress, of reading the " judicial papers from each Mamlutdar and writing answers, and of super- " intending trials, are sufficient to occupy exclusively the time of one person's " unremitting attention; but it is satisfactory, on the whole, to find that " neither in the criminal nor civil departments business has, as yet, accumulated " beyond our means of performing it."

72. Captain Briggs has lately acquainted me that no civil causes have yet been decided by a Mamlutdar, in conformity to the authority conveyed in the circular instructions above adverted to, because the Mamlutdar has no interest in deciding them, and finds it easier to transfer the business to a punchayet. The reason would be a good one, if it were left to the option of the Mam- lutdar

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lutdar to do or to omit such parts of his duty as he might think proper; but if he be stimulated to an active, zealous, and honest discharge of the functions of his office, no one will for a moment doubt his capability to render himself substantially useful as an auxiliary in the judicial departments, to the extent of the powers which, by the above orders, have been confided to him.

The Political Agent has lately represented the difficulty of collecting the members of punchayets, who finding that the duty yields neither credit nor advantage, decline it on the plea that they have other business to attend to; and he is of opinion that some rules for assembling punchayets, and causing the attendance of parties and witnesses, are necessary to render these courts more efficient.

73. Something of this sort is certainly wanting to give effect to punchayets; but as the first principles of this system of arbitration seem to have been founded on a good deal of latitude of freedom from restraint, some delicacy is required to be observed in introducing any rules for regulating the operations of these tribunals. People cannot be compelled to serve as members, but a panel might be formed in each district of all those who are qualified for the office; and if impartially and judiciously selected in rotation, so as to prevent the duty from being burthensome, I think the influence of the Collector and his Mamlutdars might in general be sufficient to ensure the attendance of a punchayet whenever required. It may be objected with some truth, that the success of the system depending too much upon individual zeal and exertion, it is therefore essentially defective: but the defect will often be found in the Adawlut, as well as other judicial institutions.

74. The enclosed comparative list of crimes* will shew the state of the magisterial and criminal business. The state of the police is in general, I think, very efficient, and Captain Briggs has suggested some plans for its improvement, by means of an increase of pay and an addition to the establishment of the Jaglas, or village watchmen. But the scheme, under the most economical arrangement, involves a great increase of expense to Government, without affording any adequate security that the advantages contemplated will eventually be realized; I therefore think that it would be premature to submit it to Government. Some parts, however, of the details which provide for periodically mustering and registering Jaglas appearing to me judicious, I have signified to Captain Briggs my approval of them. He also suggested to me the expediency of holding out, as an encouragement for the apprehension of robbers, a reward of one-fourth of the stolen property recovered, to be divided equally between the Potail and informer, whether Jagla or other person. But the policy of this step seems questionable, since it may possibly lead to the investigation of robberies with a view to the reward, and I have on this account suspended the consideration of the proposition.

75. The Political Agent has also taken occasion to represent the insufficiency of punishing highway robbery by imprisonment and labour in irons, and has urged the necessity of visiting the offence by transportation, the dread of which is much felt by the natives. The suggestion is deserving of consideration, and I see no objection, in heinous cases unaccompanied by murder, to the passing of this sentence by the Magistrate, subject to the confirmation of the Honorable the Governor in Council.

76. The advantages of a criminal punchayet have also been urged by the Political Agent; but I conceive all the benefits of the measure are already secured by the inquest of the village officers which is already supposed to take place, as it is provided for in the forms for criminal trials lately prescribed by the orders of Government. In the criminal department in Candeish there are seldom more than four or five cases on the file, and frequently only one or two, which are got over during the succeeding month.

77. In Poona, though a great deal of judicial business has been done, the file is charged with a considerable accumulation of civil suits in arrears.

In the year 1819-20, as shewn in the abstract marked G, No. [illegible],* 4,104, causes were instituted, which, added to the balance on hand at the beginning of the year,

* Not printed in these Selections.

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year, amounting to 499, gives a total of 4,603 suits; of these were disposed of:

By the punchayet	245		
By razeenamah	461		
By decree of court	41		
By Aumeens and Mamlutdars	774		
Making a total of	1,517	suits adjusted;	
And dismissed from non-attendance of prosecutors	2,721		
Total	4,238		
Leaving a balance of	365		
Total	4,603		
Instituted in 1820-21	2,757		
Balance of former year	365		
Total	3,122		
Of these were decided by puuchayet	113		
By razeenamah	568		
By decree of court	13		
By Aumeens and Mamlutdars	682		
	1,376		
Dismissed in default of attendance	470		
			1,846
Leaving a balance on the file of			1,276

78. Having occasion, in June 1820, to call the Collector's consideration to the state of his judicial and magisterial business, I recommended to him the introduction of more method and arrangement in the conduct of these departments, and suggested the propriety of setting apart regular days for hearing and deciding causes, and for giving the readiest access to all classes of complaints. I am happy to say that the application of Captain Robertson's zeal soon effected a considerable reform, and introduced some activity and energy amongst his judicial servants, who from his want of leisure, as the Collector states, had been lulled into much laziness and apathy in the discharge of their duties.

79. The Collector, in a letter to me dated the 25th August last year, in pursuance of my instructions, acquaints me that he had directed his special attention to the administration of civil justice, which he found in a state of great backwardness and confusion, owing to the circumstance that both he and his Assistant, Mr. Lumsden, had been almost exclusively engaged in revenue matters; that in consequence of the want of a due supervision since the commencement of the year, an improper influence had been acquired by certain Vakeels, or by persons who acted as members of punchayets. These persons availed themselves of the facilities afforded by their situation to excite litigation, and afterwards to compromise suits, from which they derived a corrupt profit. The principals in these nefarious practices were disgraced, dismissed, [illegible]erwise punished, and the causes which had been decided by them w[illegible]ect to a revision, which led to a reversal of some of the decrees, tho[illegible] greater proportion was found for the most part fair and equitable.

80. Under the circumstances described, Captain Robertson goes on to state that the accumulation of suits on the file was unavoidable. The duty of officiating as members of punchayets having been engrossed by a few professional punchayetees, no respectable man would accept the office, and those who had to

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to get justice by means of these tribunals, had to depend on the exertions of a few men, who had each his name as arbitrator in perhaps a hundred causes. Vakeels fomented quarrels, which but for them never would have broken out, and in some cases instigated them by intrigue and false accusation. The hall of justice, however, the Collector states, was restored to purity by the expulsion of the professional members of punchayets and of the Vakeels, and respectable men were again induced to become members of these courts of arbitration.

81. The duties of Aumeens, it appears, had not been distinctly defined, and the Collector accordingly furnished them with written instructions, which were grounded on the sixteenth and seventeenth paragraphs of the circular instructions of the 27th June, that were drawn up from Mr. Elphinstone's report.

82. The Collector also drew up some judicious instructions for regulating the proceedings of punchayets, and by personal persuasion and distinction succeeded in overcoming much of the reluctance to become members which had hitherto been evinced by persons of the respectable classes. The punchayets were not as before obliged to sit in the Adawlut, and a considerable latitude of discretion was allowed to them in the conduct of their proceedings, over which no rigid supervision was instituted. In order, however, to prevent the abuse of the indulgence, and to keep the punchayets to their duty, some assistance was afforded in assembling the members; and Carcoons, to whom fees were paid by the parties, agreeably to a regulated scale, were appointed to record the proceedings and to facilitate their operations. These arrangements, while they furnished employment to people before without a livelihood, are stated to have checked litigation, and promised greatly to promote the speedy dispensation of justice. Captain Robertson describes them as having succeeded beyond his most sanguine hopes, but, justly I think, attributes this beneficial result to efficient supervision, and to the interest which he personally took in carrying them into execution.

83. The Collector concludes his report to me respecting these measures with the following observation: "But with all these advantages, these arrangements will not effectuate my wishes if the spirit which has now been infused is not kept up and augmented by efficient European agency. You will observe that the Collector and his assistants are the pivots on which the wheels turn." He further observes: "I shall not trespass further on your time at present than to remark, regarding the number of causes on the file in June last (1820), that you will not find them so formidable again; and their appearance of magnitude will be diminished, even up to the end of that month, by a due inquiry into the cause of delay in each suit, which I hope I shall be able to transmit with the returns due, in the course of the next month or six weeks."

84. An inspection of the accompanying abstracts will satisfactorily show that the administration of justice has not been at a stand since the introduction of the judicious reforms above adverted to. I regret, however, to say that it has not so entirely kept pace with the demand as seems desirable. At the same time it will be recollected that the excess of the demand in Poona arises in a great measure from the agitation of old debts and claims, that had their origin during the late Government, and that we have therefore rather to clear off Bajee Rao's file than our own. The great cause of obstruction to the speedy decision of suits is the want of European assistance, of which the Collector has for some time been deprived by the absence of his First and Second Assistants: of the former on account of his translation to another office, of the latter from continued sickness. The progress of civil business has been, in consequence, a good deal impeded; and complaints have reached me of petitioners being unable to get a hearing, and of the execution of decrees of punchayets being suspended for an unreasonably long period.

85. The difficulties are not, I think, imputable to any neglect or fault on the part of the Collector. Alone, he has not a sufficiency of leisure to devote to judicial business without sacrificing other duties. The criminal and revenue business appear to furnish him with full employment, and without an able Assistant,

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Assistant, specially destined for the department of civil justice, it must necessarily, I think, fall into arrear. The remedy for the evil is obvious: the aid of another instrument must be employed; and I shall in the sequel take the liberty of suggesting an arrangement which will, I think, fully answer the purpose in view, without occasioning any very heavy addition to the public expenditure.

86. The number of judicial Aumeens under the Collector amounts to five: one on salary of one hundred rupees monthly, one of sixty rupees, and three of fifty rupees, besides judicial Carcoons for each mehaul. They are exclusive of Mamlutdars, who, under the circular orders of the 27th June, are empowered to decide suits of the amount of one hundred rupees.

87. The criminal department requires little remark. The state of business will be seen from the enclosed comparative abstracts of crimes committed.

88. Burglaries, larcenies and swindling seem to be the prevalent offences. Procuring abortions and unnatural crimes have not been unfrequent; and as they have not under former Governments been visited with severe penalties, they have not been considered in the heinous light in which our law is accustomed to view them. There were during the year 1819-20 many commitments for murder, but only five convictions. Several persons were apprehended and committed on suspicion of being concerned in these cases, which has swelled the amount of the numbers. Most of those murders that were traced were found to have been committed from motives of revenge, jealousy, or avarice, and seldom by many persons in concert. Robberies are chiefly committed by Ramoossees, who by caste, habit, and poverty, are driven to these excesses. The Magistrate, however, states it as a remarkable fact, that they never murder or attempt to maim except in self-defence, and that not a Ramoossee, since the establishment of our Government, has either been convicted of murder or been executed.

89. The Magistrate has submitted a list of fifteen heinous crimes the perpetrators of which have not been traced. Several of them were committed in Poona or its neighbourhood; but, adverting to the extent of the city and the immoral habits of the people, I do not deem the number considerable. Up to January 1821 he reports that no such excesses or crimes had been committed as required distinct notice.

90. In the course of last year the city police was reduced one-third, but the vigilance of the remainder of the establishment ensured a great degree of certainty in the detection of delinquents; and the Collector expresses his belief that its present efficiency was at no time exceeded, although in Bajee Rao's time it had acquired a character of much excellence for its strictness and regularity.

91. Captain Robertson represents the district police also to be greatly improved, since he has succeeded in making the Potails of villages sensible of the importance of their duties in this department. But the plan of retaining Ramoossee Naicks and Ramoossees in pay, has not entirely prevented those professional robbers from following their habitual propensities.

92. The pay and number of Ramoossees in the district will be gradually reduced; but the Magistrate represents those belonging to the town police to be very valuable servants, with whom it would be imprudent to interfere.

93. On the whole, I am of opinion that the department of criminal justice and of police in general reflects much credit on Captain Robertson's administration, and the efficient state of the city police in particular is a test of the Magistrate's meritorious exertions.

Ahmednuggur.

94. The abstract will shew the state of the judicial files at Ahmednuggur for 1819-20.

The total suits amounted to 1,383; of which were decided:

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By punchayet	54
By razeenamah	163
By decree of courts	285
By Aumeens	111
	613
Leaving undecided suits at the close of the year	720

95. The abstract for 1820-21 is as follows:

Balance of last year	720	
Instituted in this year	1,639	
		2,359
Of which		
Decided by punchayet	118	
Razeenamah	100	
Decree of court	749	
Aumeens	104	
		1,071
Leaving a balance undecided of		1,288

But of these the most part have since been settled.

96. Of the balance of 1819-20 Captain Pottinger informed me that the greater number had been or was then settled, as the plaintiffs generally received orders addressed to the Camavisdars to summon the defendants, and to desire them to come to some amicable adjustment. In other cases the plaintiffs have been known to go direct from the Adawlut to the defendants and to shew the order, which has induced the latter to satisfy the plaintiff without any further proceedings.

97. Captain Pottinger acquaints me, in addition to the above remark, that the plaintiff's are always instructed to return within three months if their disputes are not settled; and in the event of their not doing so, it has hitherto been the practice to strike the plaints off the file; since it has frequently been ascertained that the parties have come to an amicable arrangement amongst themselves, or through the interposition of friends, even before the orders of the Adawlut were delivered to the Camavisdar, and of course in such instances the suit would remain on the file for ever, if its continuance were not limited to a given period. He has recently, however, carried the plaints of one quarter into the returns of the succeeding one until they were decided on, or otherwise disposed of, in consequence of the non-attendance of the suitors; and I shall recommend him in future not to expunge any causes from the files until he shall have ascertained that the suitors have really resolved to abandon their complaints, since it seems very possible that many may have been deterred from persevering in these suits by the delay and expense which they may have reasonably enough have imagined to be incident to its prosecution. I think, with reference to the late malversations, it will be proper not only that all suits decided by the late Head-Assistant should be open to revisal, but that all that may have been summarily dismissed shall, on being presented, be again admissible. This course is, however, so obviously necessary that it will hardly be necessary to enjoin it.

98. It is to be regretted that the punchayet system has not in Ahmednuggur had so much success as in other districts. Early in 1820, in reviewing the civil business, I conveyed to Captain Pottinger my sentiments that the agency of these courts was not made so extensively useful in the talooks as I thought it might be rendered; and as that mode of settling disputes appears to me more consistent with the custom of the country than the practice of determining them at the Adawlut through an European officer, I have subsequently taken more than one occasion to repeat my opinion, that their instrumentality is not so general as I thought it ought to be, expressing at the same time my hope, that the Collector would exert himself in giving increased effect to their operation, since, under the standing orders, they were still directed to be considered the chief engine of justice. The unwillingness of parties to have

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recourse to these judicatories, which had been stated as the reason why so few were settled by them, appeared to me to be imputable, not so much to a dislike to that mode of decision, as to some remissness on the part of the local officers superintending these assemblies, and in expediting their awards. There is every reason to believe, from the subsequent events that have transpired, that had the people been encouraged to this mode of reference, the trial by punchayet would have been preferred to the late investigations of the Ahmednuggur Adawlut, which have proved so singularly disgraceful to the administration of justice.

99. I have at different times issued several circulars to the Collectors, enjoining them to set apart fixed times for the hearing of complaints, and I am happy to say that my instructions have in general been attended to. It is of the greatest importance that every man should have the option of stating his grievance either *vivâ voce* or in writing; by these means all have a chance of a hearing without much delay, and without any risk of their complaints being misstated or misrepresented.

100. Captain Pottinger, in a letter dated the 23d July last, informs me that he now sets apart two whole days in the week for receiving petitions and complaints. This plan he finds better than alloting a portion of more days to the duty: for in the latter case many would come to the cutcherry who could not get a hearing, whilst by continuing his sittings from morning till evening, he is usually enabled to give answers to all who are assembled; and when from their numbers this cannot be accomplished, the petitions of those who have not been called in are the first brought forward on the succeeding day.

101. Captain Pottinger states that he finds this method more expeditious than that of receiving *vivâ voce* complaints. I should have thought otherwise: but as long as they are taken up, it is not of much consequence in what manner they are received. The petitions, he informs me, are collected from all present by one of his Chobdars, and placed on the desk before him; they are then read over to him indiscriminately, and all such as require to be filed are immediately registered in English by himself, and in Mahratta by his Carcoons.

102. He is qualified, of course, to answer verbally, or to issue instructions on many petitions which do not involve disputes, and which consequently require no other registers than the record of the order passed on the occasion. Where complaints form the subject of petitions, the abstract of the order passed is noted on the back of each, and letters to the Camavisdars when the case is referred, and decrees when they are passed, are distributed to the complainants on the succeeding day: by these means he finds that he can see and answer from one hundred to two hundred petitioners, should there be so many, in a week; and he states that no one can be for that time at Ahmednuggur without having access to him, provided he chooses to be punctual in his attendance. A great deal of business is despatched in the same manner by his Assistant.

103. The above distribution of business does not, as the Collector acquaints me, include that portion of his time which is devoted to petty magisterial business. Captain Pottinger further informs me that the arrears of civil suits on the file have never been heavy; and they can hardly be called arrears, since they are those which have been referred to punchayets or Mamlutdars, and which may therefore be considered in a train of adjustment; and he thinks that there never can be any suits on the file to which attention is not given, though their adjustment may be delayed by circumstances frequently beyond his control.

104. These arrangements which have of late been adopted by the Collector appear to me to be judicious; and as I know that his personal labour and attention are unremitting, the most beneficial result may be expected to be derived from his assiduous supervision in this important branch of his duty.

105. A comparative abstract of crimes committed in the Ahmednuggur collectorate in 1819-20 accompanies this report.

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106. A great number of murders appear to have been committed within this period. Many appear to have had their origin in the adultery of women, who have instigated their paramours to kill their husbands. Some have been perpetrated from revenge, and a few for the sake of obtaining valuables about the person of the victim.

107. Gang and highway robberies were less frequent in 1820 than in the preceding year; but the number of commitments for secondary offences has increased. This, however, the Collector ascribes to the improved efficiency of the police, and not to any increase of delinquency.

108. The offence of receiving stolen property, knowing it to be stolen, not being viewed by the natives in the light in which it is considered by our law, several proclamations have been issued on the subject; and the attention of the Collectors was particularly called to it by a circular letter from me, under date the 13th December 1819. Captain Pottinger, of late, visited the crime with a degree of severity somewhat greater than was formerly adjudged to it, and the effect seems to have been salutary. Wilful perjury has also been diminished by some examples of punishment which have followed the commission of that offence.

109. The police on the whole, considering that the district of Amhednuggur is dovetailed in every part with Scindia's, Holkar's, and the Nizam's villages, seems to be vigorously conducted; and adverting to the numerous hordes of Bheels and other plunderers who till lately infested the district, it is a matter of astonishment that order, tranquillity, and the security of person and property, have been so successfully maintained as they have been throughout Captain Pottinger's jurisdiction.

Southern Mahratta Country.

110. It appears from the abstracts herewith submitted from the Southern Mahratta country, that four hundred and thirteen suits were instituted during the year 1819-20, which, added to sixty-eight remaining on the file at the beginning of the year, form an aggregate of 481 suits.

Of these were decided as follows:—

By punchayets	255	
By razeenamah	47	
By decree of the Magistrate	2	
		304

Leaving a balance on the file of 177

111. In the year 1820-21 there were settled:

By punchayet	219	
By razeenamah	52	
By decree	34	
By Aumeens	140	
		465

Leaving a balance of 302 undecided; of which, by a separate return which Mr. Thackeray has sent me, 194 are pending before punchayets and Mamlutdars.

112. In nine of the eighteen talooks in the Dooab, the Acting Principal Collector informs me that the average number of cases unsettled is between four and five, that in four talooks the average is ten and a-half, and that in the remaining five talooks there are on the average thirty-two undecided causes.

113. Mr. Thackeray's report shews that the instructions of the Honourable the late Commissioner, in regard to the administration of justice mainly through the agency of punchayets, have been more fully attended to in the Southern Mahratta country than elsewhere, and that in consequence the system has had a fairer trial there than in any other quarter. The result appears to have corresponded with the activity of supervision which Mr. Thackeray's conviction of the advantages of these tribunals of conciliation has induced him to bestow upon them. The imperfections of punchayets are stated by that gentleman to

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to consist chiefly (as is the case elsewhere) from the difficulty of procuring members qualified to perform the duty, which, in consequence, is apt to fall with too much frequency on particular individuals. This circumstance also furnishes the objection that the wealthier party in a suit foreseeing who may be his judges, may take occasion beforehand to secure their favour: but the objection applies equally to any other description of native judges. Mr. Thackeray however represents, that as both parties are at liberty to challenge the members, whose characters are pretty well known, partialities usually balance, and few complaints of bribery and corruption have hitherto reached him.

114. Mr. Thackeray suggests, with a view to complete the efficiency of punchayets, that the Aumildars shall keep a public register of punchayet cases, according to a form which he proposes, containing the name of the parties, the substance of the suit, the names of the punchayet members, and the period required for the trial, with the decision and its date. The column for the names of the members should, he thinks, have their own signatures, and the column for the period required for the trial should also, in his opinion, be filled up by them. The latter arrangement he thinks calculated to expedite awards, the great desideratum in the system; and the former, by publicly and permanently recording the probity or dishonesty of the parties concerned, is likely to serve as a check against partial or unjust decisions.

115. As a further check upon delay and litigation, Mr. Thackeray recommends that penalty bonds be taken from suitors, binding them, in case of being cast, to pay subsistence money to witnesses, and also to defendants and members of punchayets, where they may, from the regularity of attendance, merit this remuneration. He further suggests that where the party cast may be a pauper, the subsistence money be paid at the discretion of the Collector from the public treasury. These are measures which I have no doubt would tend to facilitate the operation of punchayets; and, if they are vigilantly conducted and superintended, and be not allowed to degenerate into abuse, I am not aware that they are open to much objection.

116. I gather from the communication received from the Acting Principal Collector and Political Agent, that in talooks where there are no overgrown towns, where the Aumildar is an able man, and where there is a corporation of respectable Shetties who understand the business, the punchayet system succeeds admirably, and appears to give great satisfaction; but that there are other parts of the country, containing populous, busy and trading pettahs, in which, though the punchayet is an excellent auxiliary, it is not alone sufficient for the dispensation of justice. This insufficiency is now particularly felt during the seasons of jummabundy and collection, when the Aumildar must often be away from his kusba station, and judicial matters must then either stagnate, or fall into the unworthy hands of ill-paid Carcoons, if the Aumil's place be not supplied during his absence.

117. As the business goes on so well in the smaller talooks, it might at first sight appear more expedient to reduce the size of the large ones than to introduce a new instrument; but the number of suits depends more on the size and population of particular districts than on the extent of a talook. Under these circumstances, Mr. Thackeray is desirous of trying the experiment of appointing native commissioners, with fees and allowances similar to those established in the adjoining districts belonging to the Madras Government, as a measure likely to be attended with great advantage.

118. By the fifth paragraph of the circular instructions, before frequently adverted to, of the 27th June, it was contemplated that a necessity might exist of appointing to large towns, where the judicial business might be too heavy for the Mamlutdars, Aumeens, or similar officers under any other appellation, expressly for the purpose of superintending punchayets and administering justice. It was thought that one to every Mamlutdar's district, or one to every two, might be entertained: but it was first to [illegible] Mamlutdars could keep down the business.

119. The trial having been made, and having in a de[illegible] have authorized Mr. Thackeray to appoint Aumeens in the talooks of Sholapore, Bagulkota,

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Bagulkota, Padshapoor Dharnar, and New Hoobly, in each of which there appears to be sufficient business to occupy one person, and where they are consequently most required; and to submit a draft of such rules as he may think best calculated to answer the objects in view.

120. I am of opinion that the best means of facilitating the administration of justice are to be attained through the more extended agency of the natives themselves, who, from their intimacy with the language, habits, and prejudices of the people, are better qualified for the adjudication of suits than Europeans, whose knowledge in those matters, after a residence in the country of a quarter of a century, is at last but scanty and superficial. The advantage which they possess over us enables them often at once to see into the merits of a cause, the understanding of which would cost an European infinite time, labour, and research, and after all might possibly be but imperfectly comprehended.

121. In the Ceded Districts the Commissioners or Moonsiffs receive seventy rupees salary, and are allowed fees which may perhaps amount to as much more. The arrangement of allowing fees is perhaps in some degree objectionable, as it may lead to the exciting and stirring up suits and quarrels with a view to a harvest of these emoluments. I object, however, to the appointment of these officers, chiefly on the ground that they are apt to monopolize judicial business, which it is their interest to draw under their own cognizance, and that they in consequence tend to the discouraging of punchayets, But the advantages derived from their labours more than counterbalance their defects; for they certainly despatch the settlement of causes with much expedition, and cannot protract the trial of them without pecuniary loss; nor can their authority, I think, be materially abused, where a facility of appeal is left open to the nonsuited parties. I beg leave accordingly to recommend that Mr. Thackeray may be authorized to regulate the allowances of these officers with reference to the rules prescribed in the Madras Regulation VI. A.D. 1816, for the levying of fees, and that the provisions of that regulation generally may be made applicable to the conduct of these officers, under such rules and limitations, however, as may be necessary to prevent them from exercising a power over men of distinction, whom it is the tendency of our courts to confound with the meanest of our subjects.

122. In concluding these remarks on the state of judicial business in the Southern Mahratta country, it may be not irrelevant to observe, that the imperfections of feebleness and slowness which have been ascribed to the punchayet system are not necessarily its characteristics, where the Collector has time and ability to conduct it with method and regularity; and there is reason to hope that these desiderata once attained, the machine will, with a moderately controlling but unremitting attention, continue to operate advantageously. Defects exist in this and in every other judicial scheme, and they are likely to be permanent in this part of the country, because the habits of the people are unfavourable to much regularity; it would therefore be idle to expect an immediate approximation to unattainable excellence: but that much substantial justice may be dispensed by those tribunals, imperfectly as they may be constituted, I consider to be a fact established by Mr. Thackeray's experience. His exertions in promoting the efficiency of those courts reflect, I think, great credit on his zeal and ability; and he has gone far towards proving that the system, whatever may be its faults, will, under good management, be approved in practice, which is the best touchstone of all theories.

123. The ill success of punchayets under the native Government was owing to their being left to work spontaneously, without any well-regulated authority to stimulate them to action, or any steady executive power to carry their awards into effect; awards too, from their great liability to reversal, possessed of little stability. In these respects we possess the means of improving and invigorating the institution by efficient check and controul; but perseverance, ability, and a constancy of supervision, not obstructed by a multiplicity of other business, are required to keep the engine in movement.

124. The want of leisure for the duty on the part of the authorities is at present unfavourable to the free operation of this instrument; but I shall not despair of its more general utility, if more time and labour be applied to it. A slight relaxation, however, in the supervision, which must be deemed the main-spring

main-spring of punchayets, must always weaken and retard their powers, if it does not render them wholly useless.

125. The Collectors have not time to devote to the essential duty of administering justice, or of maintaining that degree of regularity and method which ought to be observed by the judicial officers under them. To attain this end, and to watch and regulate the proceedings of punchayets, the undivided attention of one person seems requisite; and under this impression I am induced strongly to recommend, as a remedial expedient, adverted to in the eighty-fifth paragraph of this letter, that a Register shall be appointed subordinate to each Collector in the Deccan, on a salary equal at least, or something superior to that of the Second Assistants, and that he shall be exclusively employed in the judicial duties above described. In the absence of the Collector and his other Assistants from the Sudder station he might also, in criminal matters, exercise the function of Assistant Magistrate; but except in that event I would confine him solely to civil business. Should the Honourable the Governor in Council deem this suggestion deserving of consideration, the provisions of Madras Regulation II. of 1804 might be introduced with some little modification.

126. The police in the Southern Mahratta country appears to be on a most respectable footing, notwithstanding the inconvenience which must always attend the admixture of our territory there with that of numerous Jagheerdars possessing sovereign authority. Mr. Thackeray suggests as a means of lessening the evil, that each Jagheerdar shall be made to appoint a Superintendent of Police, who shall be jointly responsible to us and to his immediate superior in all matters connected with criminal justice. The arrangement would doubtless lead to beneficial results; but, consistently with the independence allowed by their sunnuds, the Jagheerdars cannot be compelled to adopt it, and might not be easily persuaded to consent to it.

127. The Collector's suggestions in regard to an improved distribution of the Shetsundee establishment may, I think, with propriety be adopted. The modification will enable him gradually to reduce the Asham establishment, whose members during the last two years have already been greatly diminished. Mr. Thackeray's plan for effecting this measure of economy will, I doubt not, receive the approval of the Honourable the Governor in Council.

128. The state of disorganization in which the Nizam's share of the Dooab now is, and is likely to remain, must always prove a bar to the efficiency of our police on that frontier. Any opportunities which the revolution of political affairs might hereafter present of adding that portion of territory which lies between the foot of the river Kistna and Toombuddra to the Company's dominions ought not to be neglected; the acquisition would contribute prodigiously to the prosperity both of the Bellary and Southern Mahratta provinces, and would greatly improve the *arrondizement* of our boundary in that quarter. I think, therefore, that in any future negociations with the Nizam the measure should not be lost sight of.

129. There is still a considerable expense incurred for a small body of irregular horse in the Dooab. Their numbers during the last two years and a half have been reduced from 300 to 108. I think the whole of the remainder should be disbanded; the men receiving the usual gratuity, and the officers being placed on the pension establishment.

130. The accompanying abstracts* exhibit a comparative view of crimes committed in 1819-20. No remark suggests itself to me in addition to the observations offered by Mr. Thackeray.

131. His observations relative to our right to a concurrent police jurisdiction in the lands of the petty Jagheerdars are consonant to the spirit of the policy which has been prescribed for the treatment of those chiefs, and I am not aware of any objection to their being acted upon to the extent of the Collector's recommendation.

"The great art of political economy," Sir James Stewart says, "is to
" adapt the different operations of it to the spirit, manners, habits, and cus-
" toms of the people, and afterwards to model these circumstances so as to
" be able to introduce a set of new and more useful institutions." These

changes,

* Not printed in these Selections.

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changes, however, cannot be too gradual: for it must be considered that the danger of innovation is the greater in proportion as the genius of the people is different from that of their legislators; and it is a known maxim that the most salutary regulations, if they come in collision with established prejudices and customs, will fail to produce any improvement. On these grounds I am not at present prepared to recommend any radical alteration in the present provisional judicial arrangements, except in as far as greater efficiency may be attained by an endeavour to ameliorate existing institutions by adding to the power of local supervision. The appointment of natives to administer justice under well-digested rules, which shall give them no undue authority over men of influence and consideration, will be no innovation: it will share some portion of our power with themselves, and will tend to support the respectability of the native character. Our judicial code, with its unbending forms of process, would certainly be little congenial to Mahratta habits; and the principles of equality which it inculcates, without any respect of persons, would give disgust to men of rank and consequence in the Deccan, whose good dispositions it is yet worth our while to conciliate. They are a class who still have much influence, and instigated by the means of intrigue possessed by their former ruler, might by skilful combination prove dangerous to the public tranquillity. Punchayets, with a Register to look after them, however ill they may work, will always decide more causes than any Judge: and with the aid of the Mamlutdars and Aumeens, added to the occasional assistance of the Collector in important and difficult cases, justice ought never to be at a stand. Under this arrangement economy will be combined with efficiency, and that unity of authority maintained, which in the present unsettled state of the minds of our Deccan subjects is essential to the preservation of order.

132. The Political Agent at Sattara has reported, that in the Rajah's territory he has found punchayets more popular than the Adawlut or a Nyaeedeish. In the latter, the regular attendance, rigid rule, and the immutability of judgment, have been complained of as objectionable; whilst the decision of a punchayet is considered a respectable testimonial of character to a man who gains his cause through the suffrage of his peers. On the other hand, the loser is more fully satisfied, and is more likely to acknowledge the justice of his sentence, than if it had been given against him by the verdict of an individual.

133. Captain Grant, however, in common with every body else, bears testimony to the defects of punchayets: to their delay, their corruption, and the difficulty of procuring attendance. The remedy suggested consists in a fostering encouragement of these assemblies, and a vigorous superintendence, without any sudden or novel restraints on the members. The Political Agent also adverts to the general impression amongst the natives that members of punchayets ought to be remunerated in some way or other, either by a per-centage on the amount of the suit, or by a fine to be levied from the losing party. This opinion seems to correspond a good deal with the sentiments expressed by Mr. Thackeray, and I am strongly disposed to think some regulation of the sort is required to establish the efficiency of these tribunals. Should the Honourable the Governor in Council coincide in the belief that the arrangement would be productive of benefit, I shall on a future occasion submit a draft of such rules as may appear to be best calculated to give effect to the experiment.

134. Herewith are submitted the several returns* in the Criminal Department, as noted in the margin.

I have, &c.

(Signed) W. CHAPLIN,
Commissioner.

J. BRIGGS, Esq. to W. CHAPLIN, Esq.,
Dated the 31st October 1821.

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Mr. J. Briggs, 31 Oct. 1820.

SIR:

I have had the honour to receive your circular letter of the 20th September, requiring my jummabundy report for the year 1229, and forwarding a new set of forms and memoranda on which to model it.

You

* Not printed in these Selections.

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You are already aware that the operations against the Bheels, and other untoward circumstances in Candeish, prevented my commencing the jummabundy till the month of February; and all the exertions of myself, Mr. M'Kraith, and latterly Mr. Hodges, were hardly able to conclude it before the beginning of June, as we visited each particular pergunnah and made our inquiries on the spot.

In the year 1228 it became necessary to lay the foundation of some regular system of assessment on individual cultivators, as hitherto no attention whatever had been paid to their actual condition, but merely to the sums that the Potails could be induced (by the Zemindars) to pay, while all minor items of expense and collections were managed by these persons without reference to the Mamlutdar. The system was not new in Candeish; it was the only one known to the present generation, and all sorts of impositions and frauds were practised under it. No fixed land measurement existed; frequently two villages contiguous to each other were assessed differently, even in apparently the same sort of soil, and no general standard of assessment was recognized. The Poona dufters afforded no information on this head. The ruckbah and tunkah papers, when they were correct, which it has since been discovered were frequently not so, gave an idea only of the state of the actual condition of the land in the time of Acbar, and nothing more satisfactory or more recent was to be obtained.

It has been shown that under the late Government the Mamlutdar's only object was to obtain as much money as possible for himself during the year, and the Zemindars and Potails exerted all their ingenuity to deceive him by misrepresentation on every subject. It is owing to their success that the country still retains its present appearance: had they been on all occasions foiled, the misery of the inhabitant would even have been more complete than it now is; but so long has this system prevailed, that all vestige of correct accounts within the last twenty-five years is lost, and the actual condition of the land is sometimes unknown even to the cultivators themselves.

Placed in this dilemma in 1228, I was left without an alternative. I had all the cultivation measured, I fixed the assessment with reference to that measurement, and to the average rate of assessment of many successive years, under the last Government, anterior to twenty-five years, where such documents were procurable; and in this assessment was included every item of exaction, whether for dewasthan, gram khurch, &c. &c. &c., paid by the Ryots in those times, having laid it down as a fixed principle, that nothing should be levied on any pretence beyond the amount, on pain of fine by the offender, whether Potail, Koolkurnee, or Zemindar. The gram khurch having been thus collected by authority of Government, it was included in the gross jummabundy, but rejected from the balance available to Government. My investigations brought to light much concealed land. The reduction in the sum granted as gram khurch, the abolition of the custom of allowing remission on account of the interchanges of land, and the full assessments made, enabled me altogether to bring to account of Government 5,27,250 rupees extra to my estimate founded on the actual collections of the former year, and on an average of ten years before.

The settlement and occupation of the country engrossed so much time as to prevent my visiting the districts in 1228, without which no satisfactory jummabundy can be made, and I this year therefore determined, at all events, to make it in each pergunnah; and my inquiries were directed to those points on which the following documents afforded information.

No. 1 is a table showing the comparative state of the land assessments and various denominations of land revenue in 1228 and 1229, together with the other various items of revenue, and exhibiting the sum total of deductions, whether on account of jagheers, transfers, remissions, Zemindars' hucks, or gown Kurch.

No. 2 is a list of the several measures in Candeish.

No. 3 is a list affording a sample of the variations in assessments of paturthal crops on the same land.

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No. 4 is a list of the variations in assessments of mohtusthul and zerayet, with a column of proposed modifications.

No. 5 is a general statement of Zemindars' hucks and russooms, given in detail in the Mahratta paper accompanying.

No. 6 is a statement showing the nature, quantity, and value of the land produce of the year 1229.

No. 7 is a sample of the various modes of raising the tax denominated mohturfa.

No. 8 is a list of the items denominated sevoy jumma or sayer, with proposed modifications under the head of remarks opposite each item.

No. 9 is a list of the dams, with the expense of repairs, and the expected increase in consequence.

The annual papers required by Government have been filled up, and will be forwarded to the Civil Auditor and Accountant, and the papers subsequently required to be filled up by you separately from those required by Government, received; but as I was not aware at an earlier period of the nature of the information you required, I have been as yet unable to put the substance of it into the forms now prescribed, as the heads of revenue are considerably changed; nor can I, at all events, fill them up completely from my last year's jummabundy papers. I have, however, directed the whole exertion of my cutcherry to that object, and when completed they shall be forwarded.

I shall now proceed to make some observations on the nature of the system which at present prevails throughout Candeish in the collection of the revenue, and shall submit such modifications as appear to me desirable, with a view to introduce that uniformity which prevails in other parts; and to substitute simplicity in the details, so as to render the present establishment of public servants competent to perform all the duties required of them, to which they are now really unequal.

The document No. 1 exhibits remissions to the amount of 1,20,097 rupees, on account of the failure of crops and the impracticability of cultivating a very large portion of land last year on account of the rain; notwithstanding which it will appear that, including the surplus revenue (realized after the jummabundy had been made and arising out of additional inquiries) no less a sum than 1,51,466 rupees has been raised on the land alone beyond the last year's settlement. All those persons to whom remissions have been granted in 1229 have entered into agreements to cultivate the same lands again in 1230, in addition to what they held in 1229.

The next item I shall advert to in this document is the collection made under the head of havildarry. Under the Native Government in general (but in Candeish in particular) it has been customary, by way of securing the payment of the revenue, to attach watchmen (here denoted Havildars), to prevent the grain from being sold or taken away from the farm-yard before the dues of Government are discharged. In Candeish this system had been carried to great lengths, and a separate tax was levied on the cultivators to defray the expense of maintaining Havildars. Like every thing else, there was no uniformity in the practice; in some places the taxes amounted either in money, or in kind, to four and a half per cent. on the land rent, and in others it had attained to from thirteen to eighteen per cent. In addition to the portion which went to Government, each village was compelled to feed the public Havildars during the time they were attached to it; and it is notorious that they took advantage of their office, and frequently granted the privilege of permitting the Ryots to sell their own grain for a douceur. This custom appeared to me so extremely open to abuse, and also entailed such hardships on the cultivators, in preventing their making the best market of their grain, that I resolved to abolish it and take the amount in money; and to this measure I obtained the sanction of the Honourable the late sole Commissioner last year. I had scarcely intimated my resolution to the Mamlutdars, however, when I received several letters, stating that unless Havildars were maintained, the revenues would all be made away with by the indigent Ryots; I however persisted in my determination, excepting in the pergunnahs of Hutgur, Nawapoora, and Kokurmoonda, where the land

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land is cultivated by wandering Bheels, who just stay sufficiently long to reap the crops they have sown, and to quit their hamlets and retire into the jungle, from whence they bring or send wood, lac, honey, bees'-wax, chacoly nuts, mhow flowers, or other produce of the forests. It is satisfactory for me to be able to report that the revenue has been realized without defalcation and without coercion. The inhabitants have been relieved from an odious and vexatious sort of inquisition; they have been enabled to sell their grain at any time to (*Sic orig.*) the best advantage, and have had the means of paying their ...., after realizing the amount, without being compelled to mortgage their crops to Sahoocars on usurious terms. The havildarry tax, however, has been taken from the Ryots, and amounts in the aggregate to 87,415 rupees, and the saving to Government in not keeping up the Havildars has been 11,588 rupees. While on this subject, I beg to be allowed, in future, to include the amount now realized as havildarry in the assessment on the land. The variation in the amount in each pergunnah, and the very great trouble and difficulty I find in making the Koolkurnees distinguish, in their accounts, this item from the land rent, have produced the greatest inconvenience and delay in closing my accounts for the last year. Small sums of 500 or 1,000 rupees have been found at the end of the year, in balancing the accounts, to have been transferred from one head to the other, and the district papers have had to be returned to the mehauls more than once from this very circumstance, when the item perhaps has then been found to be an error which prevailed in five or six villages. (*Sic orig.*) Attached to the documents the head of Petty Collections, with my remarks on each, as also a list of the items included in the gram khurch. Adverting to this item, I beg leave again to notice the fact of my having included this item in the rates of assessment on the land. This assessment will probably be found considerably to exceed that of land of equal extent in other parts of the conquered country; but it will also be found, possibly, that a very considerable portion of the gross amount raised (including every demand whatsoever) is allotted to gram khurch expenses. In Candeish the jummabundy last year, 1228, was made at the end of the season; and although strict injunctions were given not to expend more than four per cent. on the gross revenue, yet as the year was nearly at an end the caution came too late, and I discovered that in the Talneir and Belawud pergunnahs alone the collections made on the plea of gram khurch exceeded fifty per cent. of the whole gross revenue of those districts; and unless the items of gram khurch are examined beforehand, and the amount payable by each Ryot inserted in his annual agreement, I have reason to think that in this province, instead of four per cent. which is the amount payable this year (including village religious establishments, and 34,833 rupees for extra expenses), that it will exceed twenty-five per cent. I state this in order to do away the impression that the khurch in Candeish is (*Sic orig.*) an extra charge on Government; whereas it is, in fact, by levying from the Ryots the full extent of what he paid under the best administrations, and limiting the allowance granted as gram khurch, that the balance has been transferred to the Government treasury, and so great an increase as Rs. 39. 0. 31. per cent. on the actual average revenue, brought to account for ten years before under the Peishwa's government, was realized the first year of ours; and when it is considered that, in spite of a bad season, no fewer than 1,25,718 beegahs of land were this year (1229) newly cultivated, it seems conclusive that the land assessments of the year 1228 were not excessive.

No. 2 is a list of the several land measures in Candeish. It is not easy to afford a more complete example of the irregularity which prevails than is represented by this document; and unless this is first taken into consideration, no adequate notion can be formed of the real state of assessment. Under the present system, the beegah is a mere nominal standard only, since it varies almost in every pergunnah. In the following respect, however, it is fixed: each beegah consists of twenty pauds, and each paud of twenty beeswaks (or twentieth parts), each beeswak being one square katty or rod; and in the variation of this katty, or rod, exists the difference in the beegahs.

The list shows the number of different rods in the several pergunnahs. I have already explained how this variation was probably introduced, and I beg to recommend that one rod may be fixed throughout the province; it is earnestly solicited by all classes of the Ryots themselves, and is a justice due to

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to them as well as to the Government. It is quite immaterial what the size of the rod is, as the assessment will, of course, be squared at its present rate, to meet the increase or decrease of the measurement.

In treating of the cultivation, it appears necessary to divide it under two heads, *viz.* that denominated patusthul, or land irrigated by public water-courses, and assessed according to the quality and nature of the crop on a given extent of land, and that denominated motusthul (land watered from private wells), and zorayet (land not watered artificially), which are assessed according to the quality and extent of the land only.

The document No. 3, therefore, exhibits the several rates for the different sorts of produce in patusthul land in twenty-three villages of fourteen pergunnahs; the average of all the crops in one being twenty-three and a half rupees per beegah, and in another only three rupees. I have before adverted to the fact of patusthul land being always assessed agreeably to the nature and quality of the crop on each beegah. The reason for the variation in the land-rent is not so irrational as it at first sight appears. In India, water is the main source of all vegetation; and in proportion to the means of irrigating, the farmer can ensure his harvest. The dams in Candeish, of which I shall hereafter speak, have been constructed across rivers at a great expense, and channels (called here patts) cut along their banks, into which part of the water flows sometimes for three or four miles in length: a good patt is usually from twelve to eighteen feet wide, and about two feet deep; and according to the surface of the country, irrigates to a certain extent. As the cultivator is thus secure of water for his crop, without any labour but that of merely turning it into his land, and in some instances is enabled to rear two crops in a year, he is able to reimburse Government for the money expended in keeping the dam in repair, and clearing out the aqueducts or patts when much out of order. It is according to the quantity of water, therefore, which he can command, that he is assessed. But the uncertainty of doing justice, either to the individual or to the public, by assessing according to the nature and quality of the crop, is a question that deserves consideration. So arbitrary a mode of proceeding was admirably calculated for the times that Candeish had seen; but I shall endeavour to take a view of its consequences, and shall suggest a modification of it for your consideration. The table shews a variety of forty-two rates of assessment according to the crops, varying from seventy down to two rupees and a half per beegah. This rate is fixed as follows: When the sowing time comes it is the object of Government to encourage the cultivation of sugar-cane, or those articles whose produce pays most; while, on the other hand, the Ryot is anxious to make as much as he can by cultivating the grains which pay least: but neither one nor the other can altogether succeed, as the ground requires fresh manure and a change of crop almost every year. When the harvest is to be gathered, then the public servants are to go and examine the crops, and to decide of what description they are to be classed, whether good, bad, or indifferent. The person who inspects the crops is called from his office a Pahnydar or Pahny Carcoon, and is usually one of the Shaikdars of the pergunnah. To perform this duty with justice, the Pahnydar should possess strict integrity, impartiality, and an intimate knowledge of farming; but it is more than probable he possesses neither of these in a degree sufficient to render him fit for his office, nor would it be easy to procure persons who were so qualified. In addition to the chance of over or under-assessment, is the circumstance of the Ryot not being free to cultivate what he chooses, in consequence of the variety of rates in the different kinds of produce: for the extra rates on the superior sorts of cultivation naturally dispose him to rear the poorer kind in preference to the more valuable production of sugar and rice, which are not only precarious in their returns, but are taxed at so much higher a rate than the crops of inferior value. Admitting this to be the case, it proves that the system we have found here is radically defective, that it is open to fraud, abuse, and oppression on the one hand, and deters the cultivator from taking full advantage of all the local benefits which are open to his use, but which are checked from being brought into action, on the other. It seems, therefore, advisable to equalize the rates on patusthul land; but as there are substantial reasons for having them different under different patts, I would suggest that an average be taken of

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of the whole of the cultivable crops in each patusthul village, and one rate of assessment be fixed on each beegah without reference to the crops. It has occurred to me, in an arrangement of this nature, that it is likely that Ryots would cultivate sugar-cane or rice only as long as the land was rich, and when the land required a fallow year, or to be cultivated with some poorer grain, they would abandon it and refuse to pay the land rent. To obviate this, I propose to make every Ryot who has patusthul land enter into an agreement to pay a certain fixed rent for his fields, and to leave it to himself to manage it as he chooses. The average assessment of the patusthul, however, can only be fixed on the spot, and according to circumstances.

The document No. 4 exhibits a list of no less than sixty-eight varieties of assessment in the motusthul, and 122 in the zerayet cultivation, made exclusively on the extent of the land. Much of this difference may be ascribed to the variety in the measurement, and it is incalculable the labour that is entailed on the public servants by these variations. I therefore propose reducing the motusthul to eight, and the zerayet to eleven rates, as is pointed out in the paper alluded to. This modification of the assessment by no means alters the general rates as they now exist, a subject which it seems advisable to defer till the completion of a revenue survey and a permanent settlement. But this period in Candeish must be very remote, and the alterations now suggested are temporary arrangements, tending to simplify the present confused state of the revenue system.

In the state of our ignorance regarding the actual description and value of the land produce in this province, I thought it desirable to obtain some information on this head, and the accompanying document No. 5 is a statement to that effect. In the formation of this document, confidential lists were procured privately from two or three sources, in each of the pergunnahs of Nundoorbar, Sultanpore, Bhamere, Rawere Soongheir, and Sulling. By these the following results appeared: that the baghayet of Soongheir, Sulling, and Bhamere, was more productive than that of Nundoorbar, Sultanpore, and Rawere (where is less water); while, on the other hand the zerayet of the three latter was found to produce more than those of the former, on account of the superiority of the land. An average was now formed of the ootum (or best crops), the mudhum (or middling crops), and the kumisht (or worst crops, and a second average taken of these three to form the present standard, being a mean taken from forty-five different sources of information. It was necessary to take so much pains on this subject, as with regard to the other parts of the statement, wherein the rate and the quantity of land cultivated are entered with each particular produce, they are not liable to error, being founded on actual measurement and the bazaar rates in the province. The conclusion to be drawn from this result, as far as the land is concerned, after deducting fifty per cent. for farming expenses including labour, a balance is left of 35,18,700 rupees to meet the demands of Government, amounting to 15,66,244 rupees, being forty-nine per cent. on the net balance.

This favourable state of things arises out of the extravagant prices of provisions at present, an effect of the limited cultivation; but as the country improves the profits of the farmer must necessarily decrease.

In concluding this part of the subject, it may not be irrelevant to point out the different tracts in which the several sorts of cultivation prevail. The vallies in which the patusthul is most extreme are those lying at the sources of the principal rivers, across which the dams are thrown. These tracts are in the province of Bauglana. The land in those vallies is rich, both from local circumstances and from the constant irrigation; but that which lies on eminences and along the skirts of the hills, is gravelly and bad for agricultural purposes. Bauglana produces the best sugar and rice in this province, and the pergunnah of Lonier some indifferent opium.

The rubbee crops of wheat, cheney, indigo, &c. &c. &c. are produced in the fertile pergunnah lying on each bank of the Tapty; and Yanul and Souda produce good opium. The soil of the centre of Candeish is composed principally of white clay and red gravelly mixture. The face of the country is covered in the low hills, and is only fit for the produce of the poorer grains of the khureef crops, such as jowary, bajry, coolty, &c. &c. &c. The very worst soil

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of all is in the pergunnahs of *Soongheir, Sulling, Chickulwahal, Tankrah, and* part of Maunckpoory and Challeesgaon, where in many places the land is obliged to lie fallow every third or fourth year.

Having gone through the various items of land revenue, I beg to draw your attention to the condition of the hereditary local officers indefinitely called Zemindars. These I shall divide into two heads: first, the district Zemindars, and secondly, the village Zemindars.

The first of these, denominated Daismooks, Mohreers, &c. &c. &c. had under the late Government, and indeed have under almost all native administrations, very extensive influence, and sometimes authority. In their hands were all the revenue records, to the most minute item, in most of which they have been accustomed to share, and their extensive local information and influence over the lower classes render them fit agents of despotic rule. Their emoluments are either in freehold lands or in money from the village, and frequently both, besides certain privileges and rights to receive a few sheaves of grain from each field at the harvest. In addition to these hucks, as they are called, they have always been in the habit of receiving a dress (or money equivalent to it) either at the dusserah or the occasion of settling the jummabundy. No district record was considered complete at Poona without the signature of three persons, and it is to be concluded that the amount of dress was in proportion to the necessity of the Government officer to have his accounts passed. This latter donation I have not given during the last two years, but I beg permission to be allowed to do so: the amount appears in the paper No. 6. The agency of the Daismook and Daispandee, which was so essential to the Mamlutdars of late years, who managed Candeish, rendered their power little short of absolute, as it has been before said; and while, on the one hand, they pretended the greatest zeal in serving the Government, they were in league with the principal village Zemindars to cheat it, and to realize for themselves as large a sum as could be procured from the Ryots; and this has been the origin of the present inequalities every where, owing to one party having been more successful in its fraudulent projects than another.

The present administration has tended to cut off from the whole of the Zemindars all the fraudulent sources of their former emolument. The Daismooks and Daispandees now never sign a Government paper of any description; all orders for money go direct from the Mamlutdar to the village Potail, who collects the amount from the Ryots, each of whom has a written paper with my seal to it, stating the exact quantity of his land, the rate and amount of assessment, and every other item of tax to which he is liable: this paper also states that any other demand whatsoever beyond this amount is unauthorized by Government. In this is included each Ryot's share of the gram khurch and huck russooms to Zemindars, so that no plea can exist for extra levies. Thus situated, the Daismooks and Daispandees are gradually losing their influence, and have entirely lost all those clandestine perquisites which formed so considerable a portion of their income. While, from a principle of justice to the cultivators themselves, I have judged it proper to remove all obstacles between them and myself, yet it appears to me that the Zemindars are deserving of every liberal consideration for the loss they have sustained by the change of government; but if they can be brought to consent to it, I would recommend a commutation in money, in lieu of all the vexatious demands in kind which they have on the villages, and that the whole be made a monthly money disbursement from the treasury, instead of as at present.

The duties of the district Zemindars may well be dispensed with under our Government; but those of the village Zemindars, *viz* the Potail, Koolkurnee, and watchmen, are the key-stone of our police and of our administration. The condition of these classes vary in different places. In a few their emoluments and their authority are adequate to enable them to maintain their respectability and efficiency; while in others, the Potail has literally nothing from Government, and must depend solely on his ingenuity to evade the rent of a few beegahs, or in raising an authorized contribution in the village.

Several attempts which have been made to levy money on the plea of gram khurch have been brought to my notice by Ryots themselves, and have been instantly redressed; while the ready reply which every cultivator now gives, if he

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he is asked whether any extra levies have been made, by referring with a smile to his pottah, tend to prove that such levies are but seldom practised.

The condition of the Potails and village officers in many pergunnahs is respectable, from the various emoluments they have either in land or in money; while in others the office, deprived of all pecuniary advantages, is a burthen to which many are, in spite of prejudice and attachment, becoming almost indifferent. Under these circumstances, I beg that I may be authorized in the ensuing year to allot to such Potails and Koolkurnees who do not enjoy either land or shares of the gross amount, a sum equal to that payable to the Potails of newly established villages, according to the istawas forwarded for my guidance, as compiled by the principal Collector of the Southern Mahratta country.

Having concluded my observations on the land revenue, I consider it my duty to say a few words on the sayer, in which is included the tax denominated pandraputty or mohturfa; a tax which I have been unwilling to lighten upon the mere complaints of the individuals themselves, from a want of sufficient information to enable me to judge of the propriety of doing so. There is, in my opinion, no tax so arbitrary in its nature or so undefinable in its amount as the mohturfa. It is, I believe, generally considered an income tax; but in order to ascertain how far applicable this term is, it will be proper to examine into its nature as it exists in Candeish.

The accompanying document No. 7 details the sums levied on individuals in four of the principal towns in this province. It will be found that none but manufacturers pay it, and it appears to me rather as an awkward mode of raising money for licenses to exercise trades than any thing else. The amount payable by each individual is not limited or marked by any rule; it is said to be levied according to his ability to pay, and in this respect may resemble an income tax: but the proportion of that income which is to be paid is neither fixed nor known. It depends on various circumstances: first, on the knowledge the assessors have of the individual's affairs; secondly, on the degree of influence or otherwise which he has with the people who fix the amount; and, lastly the proportion which these persons may consider him equal to bear. And as it appears that there is no criterion by which to form the assessment, it must depend altogether on fortuitous circumstances in each town, and is as likely to be oppressive in one instance, as it may be the reverse in another. The different rates for the same class of artisans, in the four samples I have given, are sufficiently indicative of the loose system in raising this tax. The mode of assessment also varies in different places. In some, each individual of a trade is assessed more or less, as it may be; and the person who regulates this assessment is guided by the opinion of the Potail or other local officer. In others, the assessments are made on the whole body of any trade, the setty or chief of whom calls the individuals together, and fixes on each the amount payable by him, so as to make up the sum demanded by the Collector, who must be guided merely by the rates of former years to fix the aggregate, without being able to judge of the condition of the respective trades themselves. In Candeish the pandraputty is not an income tax on the whole people, inasmuch as cultivators and persons who follow no trade, but who live on their private means, are wholly exempt. It falls on tradesmen alone, and not in any known proportion to the income of the individual, but on circumstances connected with his supposed means of paying a certain sum of money to Government annually, which in many instances compel many persons to abandon their houses. This tax even extends to labourers and porters, whose means must altogether depend on the demand for their services on the spot.

Among other objects of reform this appears one that requires particular attention; and I would propose, therefore, that instead of trusting to the agents who at present fix the pandryputty, that each person now paying the mohturfa and exercising a trade should be obliged to procure a license for the same, to be fixed on the different trades agreeably to a standard, which might be found from an average taken on an extensive scale. The document now forwarded contains the rates which I would propose to be fixed in Candeish, and experience will enable Government to judge if the licenses ought to be raised or diminished.

I am

Revenue Enclosures in Mr. Chaplin's Report, 5 Nov. 1821.

Mr. J. Briggs, 31 Oct. 1821.

Deccan.

I am aware that the objection of innovation will be raised against this proposal; but it seems desirable to realize the present tax, which appears a very legitimate source of public revenue, in a manner that shall not leave it so entirely dependent on circumstances as at present. As every artisan or tradesman would soon discover whether the pursuit of his calling would enable him to pay the tax, he would regulate his conduct accordingly. Persons exercising their trades at home, or keeping shops only, should be compelled to take out licenses, while day labourers of all description ought to be exempt. Retail shops of all descriptions should be licensed, and the names of the owners entered in the district dufter; and in cases of weavers, oil-men, cotton cleaners, &c. &c., they should be obliged to take out a license on each machine. A heavy fine of five times the amount of the license should be levied on all persons practising trades without licenses, half of which should go to the informer and half to Government. In each village where there was only one tradesman of each description, they should, as at present, be altogether exempt.

From all the communications I have had with several persons on this subject, I have reason to think the measure would, upon the whole, be acceptable to the classes now paying the pandraputty; and I feel confident, while it alleviates the burthens indiscriminately thrown on the wealthy and the poor, it will become in its new shape an increasing source of revenue to Government.

In addition to the license to exercise trades or keep retail shops, an impost or stamp duty ought perhaps to be levied on all manufactures, as in Europe, according to the value of the article; but this subject properly belongs to the head of customs, under which it will be more fully discussed

Besides the mohturfa or pandraputty are various other items collected under the head of sayer, which are trifling in their amount, and frequently vexatious in their collection. The taxes exist only partially in some pergunnahs, and not in others, and it seems to me very desirable that all those contained in the accompanying list No. 8, marked,* which are of this nature and which only produce a revenue of Rupees 2,029. 17 annually to Government, should be abolished, and that the rest should be farmed.

I shall not touch on the customs in this report, as I propose replying fully to your letter on that subject. It is, perhaps, sufficient to show the following state of them within the last four years, by which it will be seen that they have increased within that short period to 135 per cent. in the rates in Bajee Rao's time:

In 1227, under the Peishwa's Government ....Rupees	74,040
In 1228, under the British Government	84,567
In 1229...... ditto...... ditto....................................	1,22,625
In 1230...... ditto...... ditto....................................	1,70,840

Having concluded my report of the revenue for 1229, I beg leave to advert to the condition of the dams in Candeish, as an object to which I have given considerable attention. The document No. 9 is a list of the dams out of repair Of these I would recommend that such as are marked *, and which if not repaired will cause an immediate defalcation on the land revenue, should be at once taken in hand; they are twenty-two in number, and the amount required to be expended will be 26,897 rupees. The remainder, in the present depopulated state of the country, may be allowed to lie over till my personal observation enables me, at some future period, to recommend the repair of any particular one which may be warranted by local circumstances.

While the net increase to the revenue in Candeish this year, on the one hand, has been 1,60,515 rupees, it is satisfactory to reflect also that the expenses have been proportionably reduced, on the other, as follows: *viz.*

By the discharge of Sebundies and reduction of native establishments since June 1819 ....Rupees	70,224
By the abolition of Havildars	11,588
By the substitution of firesticks for oil to dawks, without which they could not possibly travel at night.	[illegible],005
Total.........Rupees	86,817

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Revenue Enclosures in Mr. Chaplin's Report, 5 Nov. 1821.

Mr. J. Briggs, 31 Oct. 1821.

Deccan.

In concluding this report it may not be irrelevant to refer to the present condition of the inhabitants of the country.

It was not till the beginning of 1819 that Umulnere fell, or Candeish was fairly in our possession. By this event the Arabs, who had so long absolute sway in many districts, were entirely removed: the Bheels, also, of the hills had been by that time gradually subdued, either by conciliation or promises of future provision. Some of the principal chiefs accepted the conditions offered them; but the lesser, although they received the pensions settled on them by Government, continued to follow their predatory habits, to the dismay of the inhabitants. Considerable impression, however, was made on the mass of the Bheel community, by the provision held out to them by Government of feeding all such who chose to come into the plains and to their own villages. Notwithstanding these circumstances, the depredations of the Bheels were persisted in by several of the chiefs of the Satpoora hills, who were soon reduced to distress by our cutting off their provisions. These chiefs surrendered, and were again pardoned; but a renewal of their habits in the latter end of 1819 compelled us again to attack them, and the whole of their chiefs, without one exception, were seized and confined; and it is with great satisfaction I am able to report that not less than 1,003 new Bheel houses have been constructed in villages within the last year; and that of the three or four thousand persons of this class that have been reclaimed and returned into the bosom of society, the greater part are actively engaged in the laborious pursuits of husbandry; nor has any individual yet availed himself of the liberality of Government, in taking the provision made for those who chose to return to the plains. On the hills south of Candeish, lying between the Cassabarry and Ajunta Ghaut, similar success attended the operations of the troops; and with the exception of a small but desperate gang under Aukoos and Duggur Naig, near Perka and Kumer, not a Bheel chief remains in the range within the Candeish limits; while a check appears to have been put to the depredations of the predatory gangs under Shaik Dullah and his Bheels, associates in the neighbourhood of Asseer and Berhampore, by the operations of Major Andreser's detachment. On the north-west of Candeish, in the Rajpeepla Koowur Wussuva, an hereditary Zemindar of that wild tract still continues to give us annoyance, and I shall at a future period submit a plan for reducing this incorrigible freebooter.

The daily attacks, therefore, which have been the theme of the akhbars of Candeish for these many years, and have been the terror of all travellers through this country, have no further existence. The cultivator enjoys what is left to him in peace and without molestation; but the ravages of the epidemic, which has swept off many thousands during the last two years, have been a severe blow on the expected improvement of the country. The period is also too short for any visible change in the condition of the people; they appear to be for the most part very poor, and the hovels of which the villages in general are composed, and the want of clothing, universally seem to bespeak general indigence, if not distress. At present the cultivators have probably little left them beyond the necessaries of life. They appear by no means addicted to vices, and are on the whole an industrious people, since the security of person and property which they have derived from the establishment of the British authority. The advantageous terms granted to cultivators of new lands, and the easy way in which they obtain advances to enable them to till the ground, seem to absorb all the faculties of the labouring classes. Cattle and men are equally in demand for cultivation, and it is with the utmost difficulty the services of either can be had for hire. As the Government, however, is averse to granting leases of whole villages at increasing rates to persons disposed to embark money in the speculation, the additional cultivation must continue to go on in a rate proportionate to the advances made to these needy labourers. The rates of gradual increase of assessment on waste lands, which I proposed at first, *viz.* the first two years exemption, and the full rates to be paid in graduated proportions of one-quarter increase each year, seemed sufficient to encourage people to take land with avidity, and the sixth year would have produced to Government the full rates of assessment. The istawas for waste land (uncultivated for ten or twelve or twenty years) since sent up to me, have increased this desire to such a degree, that every

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labourer who can get security quits his service, and becomes himself a farmer on the money advanced him by Government. I trust that on the eighth year, when these people have to pay the full assessment at once from the rate of four rupees per plough, at which it is now granted for eight years, may not abandon their fields, or be reduced from their imprudence to sell their stock to pay the rents of the Sircar, and have to return again to their condition of labourers and servants. This is a circumstance which has been forcibly brought to my notice by the same cultivators demanding tuckavy this year, who got it last year to set up with. The first year is occupied in felling the timber on the land, and perhaps passing a plough over it once or twice without sowing; the second is employed in removing the rank grass and the roots of the trees, and after all yields but a poor crop; the third year begins to be profitable, and gradually becomes more so till the sixth, when, in Candeish, waste land may always be brought to yield its full value.

I have had an offer from Soobadar Nimbalkur, a brother of Soorajee Rao, the late Jagheerdar of Yawul, to repopulate the long deserted valley of Pall, lying to the westward of Berhampore within two ranges of the Saltpoora hills, and extending to the neighbourhood of the Dhawlut Barry, north of Chipra. This pergunnah is in extent from west to east sixty miles, and about twenty or twenty-five in breadth. It is said to contain a rich black mould, naturally fertile, and has numerous streams flowing through it and near its surface, which I have reason to think flow into and from the rivers Gool and Dumera, which issuing from the hills form the eastern and western boundaries of the Chopra pergunnah. It has been deserted for nearly eighty years, and is now infested with wild beasts. The temple of Pall Deu and a magnificent Mahomedan musjed are still in existence, but the remains of the kusbah and one hundred and thirty-seven mozas and muzras, of which it was composed, are scarcely to be traced. The Soobadar Nimbalkur promised to reclaim this whole tract in eleven years, if the Government would advance him at stated periods, within ten years, 25,400 rupees, to be repaid on the delivery of the country over to Government on the eleventh year. I am aware that there are so many objections to vest the management of the country entirely in the hands of the natives, that I have not thought it necessary to trouble you with the prospectus of the Nimbalkur's arrangement. Canniah, and the reclaimed Bheels of the Berhampore and Asseer hills, would willingly undertake istawas of whole villages in the same tract; but unless it can be made worth the while of any wealthy individual to risk money in the project in the first instance, I have little hopes of effecting the object: nor perhaps is it one of sufficient moment to merit the attention of Government, while so vast an extent of unreclaimed jungle remains in the heart of Candeish, and while nearly one-half the villages of the interior of the province are deserted and given up to be the occupation of wild beasts.

The Mahratta lists and documents will be forwarded in the course of a day or two.

I have, &c.

(Signed) J. BRIGGS,
Political Agent in Candeish.

STATEMENT *of the Settlement of* 1229; *shewing the Increase and Decrease in the Cultivation, as compared with* 1228.

			1228.		1229.		Total Revenue.
	Beegahs.	Rupees.	Beegahs.	Rupees.	Beegahs.	Rupees.	Rupees.
Defalcations:							
Land revenue	....	....	5,74,428	11,41,768			
Remissions on crops destroyed by the rain	77,251	1,20,097					
Allotted to Jagheerdars this year	53,922	92,160					
Mortgages on villages, debts released	445	824					
Deduct defalcations	....	....	1,31,618	2,13,081	4,42,810	9,28,687	
Increase:							
Increase on actual measurement	44,512	78,349					
Fallow lands cultivated	3,325	4,427					
Newly cultivated	1,25,718	90,741					
Zerayet converted into baghayet	....	15,288					
Increase on change in patusthul crops	....	24,735					
					1,73,556	2,63,542	
Account of lands fallen in from Jagheerdars		....	....	....	99,786	1,78,282	
Total land assessments in 1229		....	....	....	7,16,153	13,70,511	
Havildarry		87,415					
Quit rents		30,202					
Mokassa from jagheer villages		13,615					
Petty collections		3,154					
Mokassa from foreign states		54,323					
Surplus arising out of subsequent investigations		8,021					
						1,96,730	
Land revenue for 1229		....	....	....	....	....	15,67,241
Mohturfa		41,621					
Sayer, sundry putties		8,591					
Abkarry		19,786					
							69,998
Customs		....	....	....	....	....	1,27,375
Bhetty		3,331					
Sundries, profit and loss		2,588					
Mintage		227					
							6,146
Judicial receipts:							
Resumed offices and perquisites		....	....	....	....	....	14,433
							17,85,193
Add difference of annas		....	....	....	....	....	4
Deductions. (Carried forward)		....	....	....	....	....	17,85,197

STATEMENT *of the Settlement of* 1229; *shewing the Increase and Decrease in the Cultivation, as compared with* 1228.—(Continued.)

		1228.		1229.		Total Revenue.
	Rupees.	Beegahs.	Rupees.	Beegahs.	Rupees.	Rupees.
Deductions .... (Brought forward)............	....	....	....	....	....	17,85,197
Revenue realized by Jagheerdars in 1229, previously to our occupation............	54,757					
Remissions on account of inability to pay, &c.	21,128					
Payment of mokassa and other umuls	45,812					
By an error in the account of Zeyapoor	186				1,21,884	
Pecuniary huck russooms to Zemindars, Potails, and all the village Bullooties ...	....	....	....	....	1,07,264	
Expense of maintaining Havildars	1,276					
Bhetty	2,510					
To village temples and religious establishments	20,684				24,270	
Gram khurch, including festivals	....	....	....	....	54,965	
		Total deductions				3,08,386
		Total gross jummabundy				14,76,811

DENOMINATION *of Items classed under the Head of Petty Collections.*

ITEMS.	Rupees.	A.	P.	REMARKS.
Bhetty	272	3	0	This is a tax on wells used for irrigation in the Umulnere pergunnah; only it is proposed to include this amount in the land-rent, and abolish the name.
Warr putty	58	3	56¼	This is an extra levy on certain fields formerly rented at a fixed rate; it exists only in the town of Umulnere, and it is proposed to include it in the land-rent, and abolish the separate tax.
Moshly putty	109	2	25	
Kurbogwarry	83	2	8½	This includes rent of groves of mango, bere, tamarind, wood-apple, &c. &c., as well as the rent of public gardens.
Gardens	1,821	1	6¼	
Panboor	126	0	37½	Rent of land liable to be flooded by rivers should be included in kurbogwarry.
Jurreeb tumbacco	281	2	37½	An extra tax on tobacco-fields in the pergunnah of Sultanpore, which should be included in the land-rent.
Gird nowye	108	2	0	Land cultivated on the hills around the foot of the fort of Dhoorup, which is not included in any pergunnah; it shall be brought to account, in future, in the Dhoorup pergunnah land-rent.
Pan tucka	68	0	62½	A small tax, extra, on irrigated land in the pergunnah of Kookurmooda.
Tazil	173	3	50	A sum surplus to the land assessment, arising out of variation in coin or error in collection.

STATEMENT *of the Quantity, Quality, and Value of the Land Produce in Candeish, in the Year* 1229.

	Average No. of Seers, 80 as weight per Beegah.	Average Number of Seers per Rupee.	Total Number of Beegahs of each.	Total Seers of each Produce.	Total Number of each. Rupees	Q.	R.
Rice Kamode	406	16	2,328	9,45,392	59,087	0	0
Saltey	460	20	159	73,450	3,672	2	0
Dorelly	460	24	4,036	1,85,683	77,285	0	0
Sugar-cane molasses	533	6	2,986	15,91,751	2,65,292	0	0
Wheat	288	20	30,868	88,90,027	4,44,501	0	0
Bajree	144	18	4,588	6,60,650	36,702	3	0
Jowarree	144	20	1,360	1,95,855	9,792	3	0
Cotton	142	8	395	56,100	7,012	2	0
Mueeya Indian corn	147	30	1,298	1,90,877	6,362	2	0
Rula	113	16	57	6,192	405	3	0
Fillee	207	16	180	37,281	2,330	0	0
Naghy	101	25	33	3,313	132	2	0
Kootty	58	16	17	976	61	0	0
Castor oil	60	12	21	1,284	107	1	0
Jag and ambarry (hemp)	63	6	7	457	36	0	0
Vegetables of all sorts	500	30	2,453	12,26,875	40,890	3	0
Bans walker	68	10	16	1,088	109	0	0
Ditto wall	68	20	21	1,414	141	1	0
Onions	670	40	197	1,32,290	3,307	1	0
Dall oorid moony, chowlee	61	20	87	5,345	267	1	0
Cheney	143	20	4,258	5,08,945	30,447	1	0
Pease	86	20	1,151	89,986	4,949	1	0
Turmeric	180	10	112	38,146	3,814	1	0
Mety	235	20	287	67,527	3,336	1	0
Mussoor	61	20	376	22,984	1,149	1	0
Garlic	340	20	119	40,672	2,033	2	0
Tooree dall	245	22	168	26,638	121	3	0
Tobacco	350	6	163	57,100	9,516	1	0
All	433	15	17	7,469	498	0	0
Alsee	159	22	128	20,488	931	1	0
Jow barley	51	10	½	26	2	2	0
Condy Jowarry	202	25	636	1,28,560	5,142	2	0
Kurdye	159	22	11	1,889	85	3	0
Dhenny coriander seed	160	16	5	874	54	3	0
Bhug	32	1	5	175	175	0	0
Rajgeera and bhadly	77	8	15	1,161	145	0	0
Sweet potatoes and yams	300	20	1,402	4,20,784	21,039	1	0
Coosumb	27	1½	2	54	37	0	0
Indigo	4½	½	24	103	206	0	0
Opium	5	1/10	696	3,482½	34,825	0	0
Grapes	717	12	3	2,400	200	0	0
Lanis	60	½	40	2,450	1,225	0	0
	trees.	per tree.		trees.			
Pan gardens	16,200	54,000	93	15,14,49,750	28,046	0	0
Guava Trees	60	½	10	650	325	0	0
	trees.	per tree.		trees.			
Plantains	400	¼	520	2,08,350	52,087	2	0
	trees.	per tree.					
Zerayet rice dholee	460	20	4,927	22,66,414	1,13,320	2	0
Ditto leakoorwarry	460	20	2	1,128	56	1	0
Bajary	144	18	132,725	1,91,12,387	10,61,799	1	0
Jawarry	144	20	161,001	2,31,84,215	11,59,210	3	0
Cotton	142	8	22,043	31,30,206	3,91,275	3	0
Mucerge	147	30	767	1,12,870	3,762	1	0
Rûl vegetables	500	30	27	13,850	461	3	0
Rula	113	16	83	9,395	587	1	0
Tillee	207	16	25,425	52,63,036	3,28,939	3	0
Nagly	101	25	5,279	5,33,232	21,329	1	0
Kooty	58	16	6,516	3,77,946	23,621	3	0
Castor oil	60	12	3,350	2,01,022	16,751	3	0
Tag hemp	63	6	491	3,99,174	5,162	2	0
Wheat	197	18	125,692	2,47,61,324	13,75,630	0	0
Bhadly	77	8	513	39,500	4,941	1	0
Oorid	61	20	4,414	2,69,264	13,463	1	0
Moony	61	20	444	75,245	1,361	2	0
Sawrun	51	10	854	43,580	4,358	0	0
Wurrye and burty	52	20	2,312	1,20,246	6,012	1	0
Sopa	149	15	146	21,772	1,451	2	0
Castree	52	20	1,365	31,023	3,551	0	0

STATEMENT *of the Quantity, Quality, and Value of the Land-produce in Candeish, in the Year* 1229.—(Continued.)

	Average No of Seers, 80 as weight per Beegah.	Average Number of Seers per Rupee.	Total Number of Beegabs of each.	Total Seers of each Produce.	Total Number of each. Rupees	Q.	R.
*Mutt	117	24	81	9,261	386	0	0
*Mussood	61	20	314	29,163	958	1	0
China	131	20	66,563	88,50,823	4,42,541	1	0
Please	86	20	561	88,530	2,426	2	0
Tooree	245	22	23,841	58,41,204	26,55,082	0	0
Alsee	159	22	33,291	52,93,754	2,40,650	0	0
Jow barley	51	10	6	366	30	2	0
Curdye	159	22	3,821	6,07,668	27,621	1	0
Tobacco	350	6	3,339	2,67,203	34.534	0	0
Khorassany	57	12	3.778	2,15,387	17,949	0	0
Dhunney coriander	160	16	1,159	1,85,874	11,617	0	0
Dadur	144	20	7,361	10,60,115	53,005	3	0
Luck	98	22	11	1,107	50	1	0
Ajaun carraways	25	6	1	25	4	1	0
*Mustard	25	8	¼	7	0	3	0
*Rajgeera	77	8	4	298	37	1	0
Chowlee	60	20	6	371	153	2	0
All	960	4	825	7,92.031	1,98,021	0	0
*Kerur	57	12	19½	1,111	92	2	0
*Koossumb	27	1½	95	2,567	1,712	0	0
Indigo	4¼	½	4,490	19,082	33,105	0	0
Mangoe and other trees	25 trees.	—	95	—	592	0	0
				Total of Value of Produce	70,37,421	2	0

Political Agent's Office,
31st October 1820.

(Signed) JOHN BRIGGS,
Political Agent in Candeish.

*** Those articles marked thus (*) are commonly raised in fields sown with other grain, and the quantity thus next has not been included in the statement.

ABSTRACT

ABSTRACT STATEMENT *of the Claims of the Daismooks, Daispandees, Sirdars, Potails, Chowdries, Koolkurnees, and Jughi Bheels on the Land in the Revenue of Government, exclusive of Perquisites in Kind, on Individuals or Villages.*

Land. (Pecuniary Claims now realized by the Zemindars from the several Villages wherein they are customary and established.)

1	2.	3.	4.	5.	6.	7.	8.	9.	10. Continued....
—	Total Beegahs.	—	Deserted Beegahs.	—	Cultivated Land	—	Koossooms.	Bhetty.	Chelreawul.
		Rupees. Q. R.		Rupees. Q. R.		Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.
Daismook	27,311	33,082 2 75	11,061	16,121 0 62½	13,246	16,961 2 12½	66,475 1 62½	2,427 0 0	219 0 0
Daispandee	11,071	13,589 2 84	8,192	9,534 1 62	2,878	4,055 1 31	22,855 1 68	214 0 0	396 1 0
Sirdar	....	....	....	....	....	....	1,821 0 57½	....	....
Potail and Chowdry	92,398	1,04,394 0 56	63,684	63,349 0 12	28,713	3,804 5 44	....	....	....
Koolkurnee	13,330	15,422 1 81¼	9,535	10,508 0 75	3,795	4,914 1 6¼	77 2 0	....	....
Bheel..............................	2,652	27,786 2 62	16,565	17,015 3 26	9,955	10,770 3 37	....	....	....
Total........	1,70,632	1,94,275 2 69¼	11,242	1,19,528 2 37	58,589	7,47,217 0 31	91,229 1 69	2,641 2 0	615 1 0

.... Continued....................	11.	12.	13.	14.	15.	16.	17.	18.	19. Continued
—	Toop Bhukia.	Julrar Gomastah.	Bhurkud.	Zemindarry	Saliy.	Ladil.	Zuptee Carconney.	Depawully Tib.	Goor.
	Rupees. Q. R.	Rupees. Q. R.	Rupees Q. R.	Rupees Q. R.	Rupees Q. R	Rupees. Q. R.	Rupees. Q. R.	Rupees Q. R.	Rupees. Q. R.
Daismook........................	620 0 37½	1,977 1 75	817 0 0	319 1 0	185 0 0	257 0 0	532 1 0	2 2 0	4 0 0
Daispandee	534 0 62½	5,470 0 59	591 2 0	280 0 0	65 0 0	257 0 0	582 2 0	2 2 0	....
Sirdar	....	135 0 0	....	280 0 0	....	....	582 2 0	....	....
Potail and Chowdry...........	....	....	....	....	....	....	....	*14 0 0	....
Koolkurnee	....	....	....	....	....	....	....	6 2 0	....
Bheel.............................	....	....	....	....	....	....	....	....	....
Total.....................	1,154 1 0	*16,582 2 25	1,408 2 0	*599 1 0	250 0 0	514 0 0	*1,114 3 0	25 2 0	24 0 0

* The original Statement is so defective that it cannot be understood.

* Sic orig.

ABSTRACT STATEMENT *of the Claims of the Daismooks, Daispandees, Sirdars, Potails, Chowdries, Koolkurnies, and Jagla Bheels, &c.*—(Continued.)

.... *Continued*	20. Kirkole Ookty.	21. Sirpau.	22. Null Dubba.	23. Churny Jora.	24. Soot Jana.	25. Roogooally Ball.	26. Kushooday.	27. Moreer Peshcushy. *Continued*....
—	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.
Daismook	12,183 0 0	1,147 1 0	5 1 0	44 1 0	7 2 0	1,089 2 75	7 3 50	77 2 0
Daispandee	6,198 2 87½	647 1 0	3 2 0	3 2 0	5 0 0	524 2 25	5 1 0	76 0 0
Sirdar	....	....	....	....	....	....	....	....
Potail and Chowdry............	....	2,059 3 0	....	....	....	....	....	....
Koolkurnee	....	920 3 0	....	....	....	....	....	....
Bheel............................	....	....	....	....	....	....	....	....
Total.........	18,381 1 18½	1,775 0 0	8 3 0	47 3 0	12 2 0	1,614 1 0	13 0 50	153 2 0

.... *Continued*	28. Toop Jana.	29. Dustukana.	30. Ryant Mushally.	31. Usany Nemnook.	32. Dusra Buka.	33. Manoos.	34. Kagus Putty.	35. Passoory. *Continued* ....
—	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.
Daismook	728 2 87½	367 2 0	179 0 0	200 0 0	6 0 0	....	....	....
Daispandee	383 3 37½	367 2 0	114 0 0	200 0 0	4 0 0	17 0 0	442 1 62½	....
Sirdar	....	....	....	....	....	....	....	....
Potail and Chowdry	....	....	....	....	....	....	....	20,473 0 0
Koolkurnee	16 0 0	....	....	....	....	....	....	....
Bheel............................	....	....	....	....	....	....	....	....
Total.........	1,128 2 25	735 0 0	293 0 0	400 0 0	10 0 0	17 0 0	442 1 62½	20,473 0 0

.... Continued....................	36. Punchota.	37. Sunsedy.	38. Mooshaira Koolkurnee.	39. Bheel Rupees.	40. Total Rupees.	41. Total, Including value of Land.	42. Continued.... Tunkha, on which the Zemindars have Claims.
	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.
Daismook	....	....	....	....	98,899 3 87½	1,31,982 2 62	26,52,537 2 62
Daispandee	....	....	....	....	40,240 2 93¾	53,830 1 87½	18,65,742 3 62
Sirdar	....	....	....	....	1,956 0 37	1,956 0 37	1,85,247 1 12
Potail and Chowdry	31,290 2 93¾	30 0 0	....	....	53,867 1 93¾	1,58,261 2 50	26,52,537 2 62
Koolkurnee	552 3 25	15 0 0	62,638 1 25	....	64,226 3 50	79,649 1 31¼	24,25,587 1 31
Bheel........................	....	....	....	1,706 1 0	1,706 1 0	2,94,923 0 62½	....
Total.........	31,843 2 19	45 0 0	62,638 1 25	1,706 1 0	2,60,897 1 62	4,55,173 0 31	....

.... Continued....................	43. Per Centage on Tunkha.	44. Cultivated Beegahs.	45. Rupees.	46. Pecuniary Hucks and Russooms.	47. Sir Paw not paid but recommended.—Vide A.	48. Total Receipt.	49. Revenue of 1229.	50. Per Centage of Revenue of 1229.
	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.
Daismook	4 3 90	13,246 0 0	16,961 2 12	41,124 1 68	13,543 0 0	71,628 3 81	....	4 0 5
Daispandee	2 3 55	2,878 0 0	4,055 1 31	16,943 1 62	8,631 0 0	29,630 0 94	....	1 2 64
Sirdar	1 0 20	....	....	570 3 56	....	570 3 56	....	0 0 13
Potail and Chowdry	5 3 87	28,713 0 0	3,845 0 44	28,007 3 6¼	2,251 0 0	68,303 3 50	17,85,164 0 56½	3 3 31
Koolkurnee	3 1 13	3,795 0 0	4,914 1 6¼	18,242 1 56½	....	23,156 2 62	....	1 1 19
Bheel........................	....	9,955 0 0	10,770 3 37	126 2 0	....	10,897 1 37	....	0 2 44
Total.........	....	58,589 0 0	74,747 0 31	10,515 3 50	24,425 0 0	2,04,187 3 81	17,85,164 0 56½	11 1 76

* Sic orig.

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*

DESCRIPTION of TRADE or TAIFA.	Number of each.	Total Number of each Taifa.	Assessment on Individuals.	Total Assessment on each Taifa.	Average payable by such Individuals.	Proposed License for each Shop or Machine in Towns.	Proposed License for each in Nuza.	REMARKS.
			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
Town of MULLIGAUM: Weavers.								
Shallees, at Rs. 8	24	....	192 0 0					
Ditto 11	1	....	11 0 0					
Ditto 7	2	....	14 0 0					
Ditto 6	1	....	6 0 0					
Ditto 14	1	....	14 0 0					
Ditto 12	1	....	12 0 0					
Ditto 16	3	....	48 0 0					
Ditto 3	2	....	6 0 0					
Ditto 2	2	....	4 0 0					
Ditto 7. 350	3	....	23 2 50					
Ditto 2. 1	1	....	2 1 0					
Ditto 4	1	....	4 0 0					
		42		330 3 50				
Bomkur 3	2	....	1 2 0					
Ditto 1. 2	1	....	1 2 0					
		3		3 0 0				
Kuttry 6	1	1	6 0 0	6 0 0				
		46	345 3 50	7 2 7½				
Kusba DHURUNGAUM:								
Kuhtry, at Rs. 35	6	....	210 0 0					
Ditto 60	1	....	60 0 0					
Ditto 30	5	....	150 0 0					
Ditto 12	3	....	36 0 0					
Ditto 13. 2	1	....	13 2 0					
Ditto 40	7	....	280 0 0					
Ditto 20	4	....	80 0 0					
Ditto 38	1	....	38 0 0					
Ditto 25	6	....	150 0 0					
Ditto 50	3	....	150 0 0					
Ditto 22	2	....	44 0 0					
Ditto 7	2	....	14 0 0					
Ditto 45	1	....	45 0 0					
Ditto 5	2	....	10 0 0					
Ditto 17	1	....	17 0 0					
Ditto 26	1	....	26 0 0					
Ditto 10	4	....	40 0 0					
Ditto 32	1	....	32 0 0					

..itto ...... 18..................	2	....	36 0 0		
Ditto ...... 31..................	1	....	31 0 0		
Ditto ...... 15..................	1	....	15 0 0		
Ditto ...... 4..................	1	....	4 0 0		
		56		1,481 2 0	
Shallees ...... 13..................	1	....	13 0 0		
Ditto ...... 17..................	1	....	17 0 0		
Ditto ...... 20. 1..................	1	....	20 0 0		
Ditto ...... 16..................	1	....	16 0 0		
Ditto ...... 12..................	1	....	12 0 0		
Ditto ...... 18..................	2	....	36 0 0		
Ditto ...... 5..................	1	....	5 0 0		
		8		119 1 0	
Momeen...... 13. 1. 31............	3	....	40 0 0		
Ditto ...... 14..................	21	....	294 0 0		
Ditto ...... 12..................	1	....	12 0 0		
Ditto ...... 13..................	1	....	13 0 0		
Ditto ...... 7..................	3	....	21 0 0		
Ditto ...... 3. 3. 12½..........	1	....	3 3 12½		
Ditto ...... 10. 2..................	2	....	21 0 0		
Ditto ...... 17. 2..................	2	....	35 0 0		
Ditto ...... 3..................	1	....	3 0 0		
Ditto ...... 9..................	1	....	9 0 0		
Ditto ...... 1..................	5	....	5 0 0		
		41		456 3 12½	
Cortoy .. ... 4..................	1	....	4 0 0		
Ditto ...... 25..................	2	....	50 0 0		
Ditto ...... 15..................	1	....	15 0 0		
Ditto ...... 13..................	1	....	13 0 0		
Ditto ...... 5..................	1	....	5 0 0		
		6		87 0 0	
.usba Sowda :		111		2,144 2 12½	19 1 26
Weavers.					
Shallees, at Rs. 34..................	1	....	34 0 0		
Ditto ...... 10..................	3	....	30 0 0		
Ditto ...... 6 3..................	1	....	6 3 0		
Ditto ...... 4..................	4	....	16 0 0		
Ditto ...... 15..................	3	....	45 0 0		
Ditto ...... 25..................	1	....	25 0 0		
Ditto ...... 8..................	2	....	16 0 0		
Ditto ...... 9..................	2	....	18 0 0		
Ditto ...... 6..................	1	....	6 0 0		
Ditto ...... 3. 1..................	1	....	3 1 0		
Ditto ...... 20..................	1	....	20 0 0		
Ditto ...... 2..................	4	....	8 0 0		

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*—(Continued.)

DESCRIPTION of TRADE, or TAIFA	Number of each.	Total Number of each Taifa.	Assessment on Individuals.	Total Assessment on each Taifa.	Average payable by such Individuals.	Proposed License for each Shop or Machine in Towns.	Proposed License for each in Nuza.	REMARKS.
			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
Kusba SOWDA—*(continued)*.								
Weavers.								
Shallees, at Rs. 11	1	....	11 0 0					
Ditto 5	7	....	35 0 0					
Ditto 1	4	....	4 0 0					
Ditto 3	7	....	21 0 0					
		43		299 0 0				
Hulgurs...... 3	4	....	12 0 0					
Ditto 17	1	....	17 0 0					
Ditto 5	2	....	10 0 0					
Ditto 6	4	....	24 0 0					
Ditto 7	1	....	7 0 0					
		12		70 0 0				
		55		369 0 0	6 3 0			
Noza FYZPOOR :								
Khutry, at Rs. 10	4	....	40 0 0					
Ditto 12. 1	1	....	12 1 0					
Ditto 6. 1. 25	1	....	6 1 25					
Ditto 8	2	....	16 0 0					
Ditto 7	4	....	28 0 0					
Ditto 15	1	....	15 0 0					
Ditto 21. 1	1	....	21 1 0					
Ditto 17	1	....	17 0 0					
Ditto 16	1	....	16 0 0					
Ditto 6. 0. 75	1	....	6 0 75					
Ditto 3	3	....	9 0 0					
Ditto 9	1	....	9 0 0					
		21		196 0 0				
Momera...... 5	9	....	45 0 0					
Ditto 2	16	....	32 0 0					
Ditto 6	6	....	36 0 0					
		31		113 0 0				
Costies 12	1	....	12 0 0					
Ditto 4	3	....	12 0 0					
		4		24 0 0				
Shallees...... 27	3	....	81 0 0					
Ditto 10	1	....	10 0 0					
Ditto 19	3	....	57 0 0					
Ditto 44	1	....	44 0 0					
Ditto 9	7	....	63 0 0					

Ditto......... 20........................	2	....	58 0 0					
Ditto......... 6........................	1	....	6 0 0					
Ditto......... 11........................	5	....	55 0 0					
Ditto......... 34........................	1	....	31 0 0					
Ditto......... 15........................	2	....	30 0 0					
Ditto......... 7........................	2	....	14 0 0					
Ditto......... 5........................	1	....	5 0 0					
Ditto......... 14........................	1	....	14 0 0					
		30		471 0 0				
Coolies......... 9........................	1	....	9 0 0					
Ditto......... 10........................	1	....	10 0 0					
Ditto......... 15........................	1	....	15 0 0					
Ditto......... 6........................	1	....	6 0 0					
Ditto......... 4........................	1	....	4 0 0					
		5		44 0 0				
		91		848 0 0	9 1 16½	10 0 0	....	To be levied on each loom.
Town of Mulligaum :								
Bhorees ... Rs. 23........................	2	....	46 0 0					
Ditto......... 37 2........................	4	....	150 0 0					
Ditto......... 25........................	1	....	25 0 0					
Ditto......... 12........................	1	....	12 0 0					
Ditto......... 3........................	3	....	9 0 0					
Ditto......... 6........................	2	....	12 0 0					
Ditto......... 1 2........................	1	....	1 2 0					
Ditto......... 10........................	1	....	10 0 0					
Ditto......... 5 1........................	1	....	5 1 0					
Ditto......... 28........................	2	....	56 0 0					
Ditto......... 11........................	1	....	11 0 0					
		3		67 0 0				
		19		337 3 0	17 3 10	20 0 0	10 0 0	
Town of Mulligaum :								
Phoolkurries . 18........................	1	....	18 0 0					
Ditto......... 23 2........................	1	....	23 2 0					
Ditto......... 20........................	1	....	20 0 0					
Ditto......... 12 1........................	1	....	12 1 0					
Ditto......... 5........................	1	....	5 0 0					
Ditto......... 9........................	1	....	9 0 0					
Ditto......... 2........................	1	....	2 0 0					
Ditto......... 0 2 25........................	1	....	0 2 25					
Ditto......... 1........................	8	....	8 0 0					
		16		98 1 25				
		16		98 1 25	6 0 5½	....	....	Persons of all trades and professions, who will be obliged to take out licenses according to their respective trades and callings.

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*—(Continued.)

DESCRIPTION of TRADE or TAIFA.	Number of each.	Total Number of each Taifa.	Assessment on Individuals.	Total Assessment on each Taifa.	Average payable by such Individuals.	Proposed License for each Shop or Machine in Towns.	Proposed License for each in Nuza.	REMARKS.
			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
Kusba DAURUNGAUM :								
Phoolkurrees, Rs. 27. 2	1	....	27 2 0					
Ditto......... 42	1	....	42 0 0					
Ditto......... 11	1	....	11 0 0					
Ditto......... 60	1	....	60 0 0					
Ditto......... 64. 2	1	....	64 2 0					
Ditto......... 4	1	....	4 0 0					
Ditto......... 50	1	....	50 0 0					
Ditto......... 1	2	....	2 0 0					
Ditto......... 2	1	....	2 0 0					
Ditto......... 10	2	....	20 0 0					
Ditto......... 5	1	....	5 0 0					
Ditto......... 12	1	....	12 0 0					
Ditto......... 9. 2	2	....	19 0 0					
		16		319 0 0				
		16		319 0 0	19 3 75			
Kusba SOORDA :								
Phoolkurrees, Rs. 6	2	....	12 0 0					
Ditto......... 35	1	....	35 0 0					
Ditto......... 4	1	....	4 0 0					
		4		51 0 0				
		4		51 0 0	12 3 0			
Town of MULLIGAUM :								
Kickulgurs, Rs. 1. 1	3	....	4 2 0					
		3		4 2 0				
		3		4 2 0	1 2 0	5 0 0	5 0 0	
Town of MULLIGAUM :								
Shroffs ... Rs. 16	1	....	16 0 0					
Ditto......... 21	1	....	21 0 0					
Ditto......... 17	1	....	17 0 0					
Ditto......... 2	5	....	10 0 0					
Ditto......... 6	2	....	12 0 0					
Ditto......... 5	2	....	10 0 0					

Ditto......... 20.........................	1	....	20 0 0					
Ditto......... 3.........................	1	....	3 0 0					
Ditto......... 2.2.........................	1	....	2 2 0					
Ditto......... 39.........................	1	....	39 0 0					
Ditto......... 1.2.........................	6	....	9 0 0					
		22		159 2 0				
		22		159 2 0	7 1 0			
Noza Eyzpoor:								
Shroffs ... Rs. 10.........................	1	....	10 0 0					
Ditto......... 25.........................	1	....	25 0 0					
		2		35 0 0				
		2		35 0 0	17 2 0	20 0 0	10 0 0	This license to be confined to persons permanent residents and keeping shops: small money changers, who occupy stalls on market days, to be exempted on those days only.
Town of Mulligaum: Kurch Mallee.								
Kurch ... Rs. 9.1.........................	4	....	37 0 0					
Ditto......... 4.1.........................	1	....	4 1 0					
Ditto......... 3.1.........................	1	....	3 1 0					
Ditto......... 1.........................	3	....	3 0 0					
Ditto......... 0.2.........................	1	....	0 2 0					
		10		48 0 0				
		10		48 0 0	4 3 20	....	....	Flowermen and fruit-sellers should perhaps be exempted.
Town of Mulligaum:								
Bhoyees... Rs. 1.2.50.	9	....	14 2 50					
Ditto......... 1.2.........................	6	....	9 0 0					
Ditto......... 1.........................	1	....	1 0 0					
		16		24 2 50				
		16		24 2 50	1 2 15			
Kusba Dhurungaum:								
Bhoyees... Rs. 11.1.50.	3	....	34 0 50					
Ditto......... 12.1.50.	2	....	24 3 0					
Ditto......... 11.1.........................	2	....	22 2 0					
		7		81 1 50				
		7		81 1 50	11 6 78	....	....	Bearers whose occupation is uncertain should be exempted.
Town of Mulligaum:								
Tellees ... Rs. 8.2.........................	4	....	34 0 0					
Ditto......... 7.2.........................	2	....	15 0 0					
Ditto......... 5.3.........................	4	....	23 0 0					

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*—(Continued.)

DESCRIPTION of TRADE or TAIFA.	Number of each.	Total Number of each Taifa.	Assessment on Individuals	Total Assessment on each Taifa.	Average payable by such Individuals	Proposed License for each Shop or Machine in Towns.	Proposed License for each in Nuza.	REMARKS.
			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
Town of MULLIGAUM—*(Continued.)*								
Tellees ... Rs. 6 3	1	....	6 3 0					
Ditto ... 4.2	1	....	4 2 0					
Ditto ... 5.2	2	....	11 0 0					
Ditto ... 8	3	....	24 0 0					
Ditto ... 7	2	....	14 0 0					
Ditto ... 6	3	....	18 0 0					
Ditto ... 3	2	....	6 0 0					
Ditto ... 1.3	2	....	3 2 0					
Ditto ... 4.1	1	....	4 1 0					
Ditto ... 5	3	....	15 0 0					
Ditto ... 6.2	1	....	6 2 0					
Ditto ... 1.2	7	....	10 2 0					
Ditto ... 2	5	....	10 0 0					
Ditto ... 4	1	....	4 0 0					
Ditto ... 1	1	....	1 0 0					
		45		211 0 0				
		45		211 0 0	4 2 75			
Kusba DHURANGAUM :								
Tellees ... Rs. 28	5	....	140 0 0					
Ditto ... 25	2	....	50 0 0					
Ditto ... 22	4	....	88 0 0					
Ditto ... 29	3	....	87 0 0					
Ditto ... 27	2	....	54 0 0					
Ditto ... 21	2	....	42 0 0					
Ditto ... 17	1	....	17 0 0					
Ditto ... 26	1	....	26 0 0					
Ditto ... 7	1	....	7 0 0					
Dtito ... 11	1	....	11 0 0					
Ditto ... 6	2	....	12 0 0					
Ditto ... 9	1	....	9 0 0					
Ditto ... 10	1	....	10 0 0					
Ditto ... 4.2	1	....	4 2 0					
Ditto ... 20	2	....	40 0 0					
Ditto ... 5	2	....	10 0 0					
Ditto ... 3	1	....	3 0 0					
		32		610 2 0				
		32		610 2 0	19 0 31			

Kusba Sowda :								
Tellees, at Rs. 20	1	....	20 0 0					
Ditto........ 17.3	1	....	17 3 0					
Ditto........ 9	3	....	27 0 0					
Ditto........ 11	1	....	11 0 0					
Ditto........ 4	1	....	4 0 0					
Ditto........ 6	1	....	6 0 0					
Ditto........ 8	1	....	8 0 0					
Ditto........ 7	2	....	14 0 0					
Ditto........ 5	1	....	5 0 0					
Ditto........ 3	1	....	3 0 0					
		13		115 3 0				
		13		115 3 0	8 5 51			
Moza Fyzpoor :								
Tellees, at Rs. 18	3	....	54 0 0					
Ditto........ 19	2	....	38 0 0					
Ditto........ 6	1	....	6 0 0					
Ditto........ 2	2	....	4 0 0					
Ditto........ 21	2	....	42 0 0					
Ditto........ 14	2	....	28 0 0					
Ditto........ 16	1	....	16 0 0					
Ditto........ 1	2	....	2 0 0					
Ditto........ 10	1	....	10 0 0					
Ditto........ 7	1	....	7 0 0					
Ditto........ 11	1	....	11 0 0					
Ditto........ 1.2	2	....	3 0 0					
		20		221 0 0				
		20		221 0 0	11 0 20	10 0 0	10 0 0	License to be taken out for mills.
Town of Mulligaum :								
Cloth merchants, at Rs. 18	4	....	72 0 0					
Ditto.................. 13	2	....	26 0 0					
Ditto.................. 2	5	....	10 0 0					
Ditto.................. 6	2	....	12 0 0					
Ditto.................. 2.2	1	....	2 2 0					
Ditto.................. 1.2	2	....	3 0 0					
Ditto.................. 1	5	....	5 0 0					
Ditto.................. 4	2	....	8 0 0					
Ditto.................. 5	1	....	5 0 0					
Ditto.................. 4.2	1	....	4 2 0					
Ditto.................. 3	2	....	6 0 0					
Ditto.................. 3.3	1	....	3 3 0					

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*—(Continued.)

DESCRIPTION of TRADE or TAIFA.	Number of each.	Total Number of each Taifa.	Assessment on Individuals.	Total Assessment on each Taifa.	Average payable by each Individual.	Proposed License for each Shop or Machine in Towns.	Proposed License for each in Mozas.	REMARKS
			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
Town of MULLIGAUM.—(*Continued.*)								
Cloth merchants, at Rs. 12	1	....	12 0 0					
Ditto 21	1	....	21 0 0					
Ditto 16	1	....	16 0 0					
Ditto 8	2	....	16 0 0					
Ditto 6	2	....	12 0 0					
Ditto 13	1	....	13 0 0					
Ditto 3	1	....	3 0 0					
		38		261 3 0	6 3 5			
Kusba DHURUNGAUM:								
Cloth merchants, at Rs. 10	1	....	10 0 0					
Ditto 35	3	....	105 0 0					
Ditto 4	12	....	48 0 0					
Ditto 34	1	....	34 0 0					
Ditto 60	3	....	180 0 0					
Ditto 30	4	....	120 0 0					
Ditto 22	2	....	44 0 0					
Ditto 2	3	....	6 0 0					
Ditto 6	3	....	18 0 0					
Ditto 3	2	....	6 0 0					
Ditto 5	3	....	15 0 0					
Ditto 16	3	....	48 0 0					
Ditto 43	1	....	43 0 0					
Ditto 8	5	....	40 0 0					
Ditto 20	4	....	80 0 0					
Ditto 50	1	....	50 0 0					
Ditto 50	1	....	50 0 0					
Ditto 40	1	....	40 0 0					
Ditto 45	1	....	45 0 0					
Ditto 21	1	....	21 0 0					
Ditto 12	1	....	12 0 0					
		58		1,030 0 0				
		58		1,030 0 0	17 3 03	20 0 0	20 0 0	
Town of MULLIGAUM:								
Shopkeepers.								
Wanees, at Rs. 37.2	1	....	37 2 0					
Ditto 2	9	....	18 0 0					

Ditto ...... 32..................	2	....	64 0 0					
Ditto ...... 3..................	21	....	63 0 0					
Ditto ...... 1..................	12	....	12 0 0					
Ditto ...... 1. 2..............	3	....	4 2 0					
Ditto ...... 4..................	3	....	12 0 0					
Ditto ...... 35..................	3	....	105 0 0					
Ditto ...... 15..................	2	....	30 0 0					
Ditto ...... 1. 1..............	1	....	1 1 0					
Ditto ...... 5..................	1	....	5 0 0					
Ditto ...... 13. 3..............	1	....	13 3 0					
Ditto ...... 11..................	3	....	33 0 0					
Ditto ...... 12..................	4	....	48 0 0					
Ditto ...... 5. 2..............	1	....	5 2 0					
Ditto ...... 7..................	2	....	14 0 0					
Ditto ...... 6..................	4	....	24 0 0					
Ditto ...... 2. 1..............	4	....	9 0 0					
Ditto ...... 4. 2..............	2	....	9 0 0					
Ditto ...... 9..................	1	....	9 0 0					
Ditto ...... 14..................	1	....	14 0 0					
Ditto ...... 13..................	1	....	13 0 0					
		82		544 2 0				
Kandeish Wanees, at Rs. 2......	3	....	6 0 0					
Ditto .... 4......	1	....	4 0 0					
Ditto .... 1......	3	....	3 0 0					
Ditto .... 3......	1	....	3 0 0					
		8		16 0 0				
Kasodekur Wanees...... 20......	2	....	40 0 0					
Ditto .... 22......	1	....	22 0 0					
Ditto .... 10. 2...	1	....	10 2 0					
		4		72 2 0				
Kuskeree Wanees........ 10......	2	....	20 0 0					
Ditto .... 2......	1	....	2 0 0					
Ditto .... 4......	1	....	4 0 0					
		4		26 0 0				
		98		659 0 0	6 3 0			
usba DHURUNGAUM :								
Lan SuccaWanees, at Rs. 100......	2	....	200 0 0					
Ditto .... 65......	1	....	65 0 0					
Ditto .... 17......	1	....	17 0 0					
Ditto .... 6......	1	....	6 0 0					
Ditto .... 15......	1	....	15 0 0					
Ditto .... 5......	2	....	10 0 0					

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*—(Continued.)

DESCRIPTION of TRADE or TAIFA.	Number of each.	Total Number of each Taifa.	Assessment on Individuals.	Total Assessment on each Taifa.	Average payable by each Individual.	Proposed License for each Shop or Machine in Towns.	Proposed License for each in Mozas.	REMARKS.
			Rupees Q. R.	Rupees Q. R.	Rupees Q. R.	Rupees Q. R.	Rupees Q. R.	
[illegible]usba DHURUNGAUM—*(Continued.)*								
Lan Succa Wanees, at Rs. 4......	2	....	8 0 0					
Ditto .... 12......	1	....	12 0 0					
		11		333 0 0				
Ghandee Wanees ...... 13......	2	....	26 0 0					
Ditto .... 5......	3	....	15 0 0					
Ditto .... 4......	4	....	16 0 0					
Ditto .... 1......	2	....	2 0 0					
Ditto .... 80......	1	....	80 0 0					
Ditto .... 2......	6	....	12 0 0					
Ditto ....125......	1	....	125 0 0					
Ditto .... 65......	1	....	65 0 0					
Ditto .... 6......	1	....	6 0 0					
Ditto .... 7......	2	....	14 0 0					
Ditto .... 8......	1	....	8 0 0					
Ditto .... 40. 1...	1	....	40 1 0					
Ditto .... 30......	1	....	30 0 0					
Ditto .... 3......	1	....	3 0 0					
		27		442 1 0				
		38		775 1 0	20 1 6[illegible]			
[illegible]ba SOWDA :								
Shopkeepers, at Rs. 13............	1	....	13 0 0					
Ditto .... 17............	1	....	17 0 0					
Ditto .... 28............	1	....	28 0 0					
Ditto .... 6............	1	....	6 0 0					
Ditto .... 7............	1	....	7 0 0					
Ditto .... 4............	2	....	8 0 0					
Ditto .... 9............	2	....	18 0 0					
Ditto .... 12............	1	....	12 0 0					
Ditto .... 3............	3	....	9 0 0					
Ditto .... 5............	1	....	5 0 0					
Ditto .... 2. 2.........	1	....	2 2 0					
Ditto .... 1. 2.........	2	....	3 0 0					
Ditto .... 2............	1	....	2 0 0					
Ditto .... 3. 2.........	1	....	3 2 0					
		19		134 0 0				
		19		134 0 0	7 21 0			

Moza Fyzpoor:							
Shopkeepers, at Rs. 70	1	....	70 0 0				
Ditto 58	2	....	116 0 0				
Ditto 22	2	....	44 0 0				
Ditto 42	1	....	42 0 0				
Ditto 14	1	....	14 0 0				
Ditto 26	1	....	26 0 0				
Ditto 15	1	....	15 0 0				
Ditto 17	1	....	17 0 0				
Ditto 5	5	....	25 0 0				
Ditto 4	2	....	8 0 0				
Ditto 8	2	....	16 0 0				
Ditto 2	1	....	2 0 0				
Ditto 6	1	....	6 0 0				
Ditto 7	2	....	14 0 0				
Ditto 9	1	....	9 0 0				
		24		424 0 0			
		24		424 0 0	17 2 66	20 0 0	20 0 0
Town of Malligaum:							
Rangarees, at Rs. 5	8	....	40 0 0				
Ditto 4	4	....	16 0 0				
Ditto 2. 2	3	....	7 2 0				
Ditto 3	13	....	39 0 0				
Ditto 1. 2	6	....	9 0 0				
Ditto 4. 1	4	....	17 0 0				
Ditto 4. 2	1	....	4 2 0				
Ditto 5. 1	1	....	5 1 0				
Ditto 5. 2	3	....	16 2 0				
Ditto 2. 3	1	....	2 3 0				
Ditto 6	1	....	6 0 0				
Ditto 0. 2	1	....	0 2 0				
Ditto 2	3	....	6 0 0				
		51		172 0 0			
		51		172 0 0	3 1 49		
Moza Fyzpoor:							
Rangarees, at Rs. 17	2	....	34 0 0				
Ditto 12	4	....	48 0 0				
Ditto 55	1	....	55 0 0				
Ditto 24	1	....	24 0 0				
Ditto 9	5	....	45 0 0				

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*—(Continued.)

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			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
MOZA FYZPOOR.—*(Continued.)*								
Raggarees, at Rs. 53	1	....	53 0 0					
Ditto 3	7	....	21 0 0					
Ditto 6	5	....	30 0 0					
Ditto 38	1	....	33 0 0					
Ditto 43	1	....	43 0 0					
Ditto 10	3	....	30 0 0					
Ditto 15	2	....	30 0 0					
Ditto 14	1	....	14 0 0					
Ditto 2. 2	3	....	7 2 0					
Ditto 7	5	....	35 0 0					
Ditto 11	4	....	44 0 0					
Ditto 8	6	....	48 0 0					
Ditto 4	5	....	20 0 0					
Ditto 1	1	....	1 0 0					
Ditto 5	5	....	25 0 0					
Ditto 40	1	....	40 0 0					
Ditto 13	1	....	13 0 0					
Ditto 4. 2	1	....	4 2 0					
Ditto 2	4	....	8 0 0					
Ditto 3. 2	2	....	7 0 0					
Ditto 16	1	....	16 0 0					
		73		729 0 0				
		73		729 0 0	9 3 94½	10 0 0	10 0 0	
TOWN of MULLIGAUM:								
Chumara, at Rs. 2. 3	4	....	11 0 0					
Ditto 1. 0. 50	2	....	2 1 0					
Ditto 0. 3	1	....	0 3 0					
		7		14 0 0				
		7		14 0 0	2 0 0			
KUSBA DHURUNGAUM:								
Chumars, at Rs. 26. 3. 25	2	....	53 2 50					
		2		53 2 50				
Dohurs 13. 0. 75	5	....	60 3 75					

Ditto .... 6. 0. 50............	1	....	6 0 50					
		6		67 0 25				
		8		120 2 75	15 0 38½			
Kush Sooda:								
Chumars, at Rs. 5..................	3	....	15 0 0					
Ditto .... 10................	3	....	30 0 0					
Ditto .... 6................	2	....	12 0 0					
Ditto .... 4................	2	....	8 0 0					
		10		65 0 0				
		10		65 0 0	6 2 0			
Moza Fyzpoor:								
Chumars, at Rs. 15................	5	....	75 0 0					
		5		75 0 0				
		5		75 0 0	6 2 0	10 0 0	5 0 0	
Town of Mulligaum:								
Ghowlees, at Rs. 9................	2	....	18 0 0					
		2		18 0 0				
		2		18 0 0	9 0 0	10 0 0	10 0 0	
Town of Mulligaum:								
Huluyegurs, at Rs. 18. 1..........	1	....	18 1 0					
Ditto .... 15............	1	....	15 0 0					
Ditto .... 9. 1..........	1	....	9 1 0					
Ditto .... 7............	1	....	7 0 0					
Ditto .... 1............	1	....	1 0 0					
Ditto .... 5............	1	....	5 0 0					
Ditto .... 2............	1	....	2 0 0					
Ditto .... 4............	2	....	8 0 0					
Ditto .... 9............	1	....	9 0 0					
Ditto .... 1. 2..........	2	....	3 0 0					
		12		72 0 0				
		12		72 0 0	6 0 16½	10 0 0	10 0 0	
Town of Mulligaum:								
Ultars or Performers, at Rs. 4......	5	....	20 0 0					
		5		20 0 0				
		5		75 0 0	4 0 0	10 0 0	10 0 0	

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*—(Continued.)

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			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
Town of Mulligaum:								
Butchers, at Rs. 10. 3.	6	....	64 2 0					
Ditto .... 10. 2.	1	....	10 2 0					
		7		75 0 0				
		7		75 0 0				
Kusba Dhurungaum:								
Butchers, at Rs. 11. 3. 50.	1	....	11 3 50					
Ditto .... 4. 1. 0.	1	....	4 1 0					
Ditto .... 2. 1. 25.	1	....	2 1 25					
Ditto .... 4 0. 0.	2	....	4 0 0					
Ditto .... 10. 1. 50.	1	....	10 1 50					
Ditto .... 10. 1. 25.	1	....	10 1 25					
Ditto .... 9. 1. 25.	1	....	9 1 25					
		8		52 1 75				
		8		52 1 75	6 2 21½			
Kusba Sowda:								
Butchers, at Rs. 18.	2	....	36 0 0					
Ditto .... 24.	1	....	24 0 0					
		3		60 0 0				
		3		60 0 0	20 0 0			
Town of Mulligaum:								
Bagwares, at Rs. 3. 2.	6	....	21 0 0					
Ditto .... 2. 1.	4	....	9 0 0					
Ditto .... 3.	1	....	3 0 0					
		11		33 0 0				
		11		33 0 0				
Kusba Dhurungaum:								
Bagwares, at Rs. 9. 0. 75.	2	....	18 1 50					
Ditto .... 9. 0. 50.	1	....	9 0 50					
		3		27 2 0				
		3		27 2 0	9 0 66	....	....	Sellers of vegetables, &c. &c. should be exempted.

Town of Mulligaum:								
Tamboolees, at Rs. 15	1	....	15 0 0					
Ditto......... 1	3	....	3 0 0					
Ditto......... 1. 2	1	....	1 2 0					
Ditto......... 2	1	....	2 0 0					
Ditto......... 2. 2	1	....	2 2 0					
Ditto......... 2	1	....	0 2 0					
Ditto......... 3	1	....	0 3 0					
Ditto......... 1. 25	1	....	0 1 25					
		10		25 2 25				
		10		25 2 25	2 2 22½	10 0 0	10 0 0	
Town of Mulligaum:								
Goldsmiths, at Rs. 2	3	....	6 0 0					
Ditto......... 10	1	....	10 0 0					
Ditto......... 6. 3	2	....	13 2 0					
Ditto......... 19. 3	1	....	19 3 0					
Ditto......... 9. 2	1	....	9 2 0					
Ditto......... 6. 2	1	....	6 2 0					
Ditto......... 5	2	....	10 0 0					
Ditto......... 8. 3	1	....	8 3 0					
Ditto......... 5. 3	1	....	5 3 0					
Ditto......... 7. 2	1	....	7 2 0					
Ditto......... 10	1	....	10 0 0					
Ditto......... 4	4	....	16 0 0					
Ditto......... 4. 2	3	....	13 2 0					
Ditto......... 3	1	....	3 0 0					
Ditto......... 0. 3	3	....	2 1 0					
Ditto......... 6	1	....	6 0 0					
Ditto......... 2. 2	1	....	2 2 0					
Ditto......... 1	4	....	4 0 0					
Ditto......... 0. 2	1	....	0 2 0					
Ditto......... 4. 3	1	....	4 3 0					
Ditto......... 2. 1. 50	1	....	2 1 50					
Ditto......... 1. 1	1	....	1 1 0					
Ditto......... 1. 2	3	....	3 0 0					
		38		166 3 50				
		38		166 3 50				
Kusba Dhurungaum:								
Goldsmiths, at Rs. 12. 1	2	....	24 2 0					
Ditto......... 7	1	....	7 0 0					
Ditto......... 9. 3	1	....	9 3 0					

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*—(Continued.)

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			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
Kusba Dhurungaum—*(Continued.)*								
Goldsmiths, at Rs. 9. 2	1	....	9 2 0					
Ditto ... 4	2	....	8 0 0					
Ditto ... 6. 2. 50	1	....	6 2 50					
Ditto ... 3	3	....	9 0 0					
Ditto ... 7. 2	1	....	7 2 0					
Ditto ... 8	1	....	8 0 0					
Ditto ... 2. 2	1	....	2 2 0					
Ditto ... 14. 1	1	....	14 1 0					
Ditto ... 2	2	....	4 0 0					
		17		110 2 50				
Vy Sia Sonar ... 6. 1	1	....	6 1 0					
Ditto ... 5. 2	1	....	5 2 0					
Ditto ... 6. 2	5	....	32 2 0					
Ditto ... 2	3	....	6 0 0					
Ditto ... 4	1	....	4 0 0					
		11		54 1 0				
		28		164 3 50				
Kusba Sowda:								
Goldsmiths, at Rs. 12	1	....	12 0 0					
Ditto ... 9	1	....	9 0 0					
Ditto ... 5	2	....	10 0 0					
Ditto ... 10	1	....	10 0 0					
Ditto ... 3	1	....	3 0 0					
Ditto ... 2	2	....	4 0 0					
Ditto ... 6	2	....	12 0 0					
Ditto ... 5. 1	1	....	5 1 0					
Ditto ... 14	1	....	14 0 0					
		12		79 1 0				
		12		79 1 0	6 2 41½			
Moza Fyzpoor:								
Goldsmiths, at Rs. 11	1	....	11 0 0					
Ditto ... 14	3	....	42 0 0					
Ditto ... 8. 2	1	....	8 2 0					

Ditto .... 10............	1	....	10 0 0					
Ditto .... 4............	4	....	16 0 0					
Ditto .... 7. 1........	1	....	7 1 0					
Ditto .... 3............	2	....	6 0 0					
Ditto .... 4. 2........	1	....	4 2 0					
Ditto .... 5............	1	....	5 0 0					
Ditto .... 6. 1........	1	....	6 1 0					
Ditto .... 18............	1	....	18 0 0					
Ditto .... 2............	3	....	6 0 0					
Ditto .... 10. 2........	1	....	10 2 0					
		21		151 0 0				
		21		151 0 0	7 0 96	10 0 0	10 0 0	License to be confined to shops; if the trade is to be taxed, each individual should pay less perhaps.
Town of Mulligaum:								
Muzoors, at Rs. 1. 2............	10	....	15 0 0					
Ditto........ 1............	20	....	20 0 0					
Ditto........ 1. 1............	2	....	2 2 0					
Ditto........ 1. 3............	2	....	3 2 0					
Ditto........ 2............	13	....	26 0 0					
Ditto........ 3............	4	....	12 0 0					
Ditto........ 1. 0. 50............	1	....	1 0 50					
Ditto........ 0. 3............	1	....	0 3 0					
Ditto........ 1. 2. 50............	1	....	1 2 50					
		54		82 2 0				
		54		82 2 0	1 2 11			
Kusba Dhurungaum:								
Muzoors, at Rs. 20............	5	....	100 0 0					
Ditto .... 15. 2............	1	....	15 2 0					
		6		115 2 0				
		6		115 2 0	19 1 0			
Moza Fyzpoor:								
Muzoors, at Rs.	1	....	8 0 0					
Ditto	1	....	6 0 0					
Ditto	1	....	5 0 0					
		3		19 0 0				
		3		19 0 0	6 1 32	....	....	I would strongly recommend this to be abolished.
Town of Mulligaum:								
Zeengurs, at Rs. 4. 2............	3	....	13 2 0					
		3		13 2 0				
		3		13 2 0	4 2 0	10 0 0	5 0 0	

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*—(Continued.)

DESCRIPTION of TRADE, or TAIFA.	Number of each.	Total Number of each Taifa.	Assessment on Individuals.	Total Assessment on each Taifa.	Average payable by each Individual.	Proposed License for each Shop or Machine in Towns.	Proposed License for each in Mozas.	REMARKS.
			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
Town of MULLIGAUM :								
Pinzarees at Rs. 6. 3..........	9	....	60 3 0					
Ditto.............. 5. 3..........	1	....	5 3 0					
Ditto.............. 6..............	1	....	6 0 0					
		11		72 2 0				
		11		72 2 0	6 12 35			
Kusba SOWDA :								
Pinzarees, at Rs. 16..............	2	....	32 0 0					
Ditto .... 4..............	1	....	4 0 0					
Ditto .... 2..............	1	....	2 0 0					
		4		38 0 0				
		4		38 0 0	9 2 0			
Moza FYZPOOR :								
Pinzarees, at Rs. 55..............	1	....	55 0 0					
		1		55 0 0				
		1		55 0 0	55 0 0	10 0 0	10 0 0	
Town of DHURUNGAUM :								
Koombees, at Rs. 5..............	4	....	20 0 0					
Ditto .... 6..............	2	....	10 0 0					
		6		30 0 0				
		6		30 0 0	5 0 0			
Kusba SOWDA :								
Koombees, at Rs. 15..............	2	....	30 0 0					
Ditto .... 17..............	1	....	17 0 0					
Ditto .... 7..............	1	....	7 0 0					
		4		54 0 0				
		4		54 0 0	13 2 0			
Moza FYZPOOR :								
Koombees, at Rs. 44..............	1	....	44 0 0					
Ditto .... 43..............	1	....	43 0 0					
		2		87 0 0				
		2		87 0 0	43 2 0	10 0 0	5 0 0	License to be taken out on the wheels.

Town of DHURUNGAUM :								
Dhungurs, at Rs. 10. 2	2	....	21 0 0					
Ditto 8	2	....	16 0 0					
Ditto 7	1	....	7 0 0					
Ditto 2	1	....	2 0 0					
		6		46 0 0				
		6		46 0 0	7 2 66½			
Kusba Sowda :								
Dhungurs, at Rs. 9	1	....	9 0 0					
Ditto 11	1	....	11 0 0					
Ditto 7	1	....	7 0 0					
Ditto 27	1	....	27 0 0					
Ditto 6	1	....	6 0 0					
		5		60 0 0				
		5		60 0 0	12 0 0			
Town of DHURUNGAUM :								
Gondarees, at Rs. 32. 2	2	....	65 0 0					
Ditto 25	1	....	25 0 0					
Ditto 13	1	....	13 0 0					
Ditto 6	1	....	6 0 0					
		5		109 0 0				
		5		109 0 0	21 3 20			
Kusba Sowda :								
Gondarees, at Rs. 10	1	....	10 0 0					
Ditto 12	1	....	12 0 0					
		2		22 0 0				
		2		22 0 0	11 0 0	10 0 0	10 0 0	License payable on the machine.
Town of DHURUNGAUM :								
Khisys, at Rs. 16	1	....	16 0 0					
Ditto 3	3	....	9 0 0					
Ditto 2	3	....	6 0 0					
Ditto 4	1	....	4 0 0					
		8		35 0 0				
		8		35 0 0	4 1 50	5 0 0	5 0 0	
Town of DHURUNGAUM :								
Barbers, at Rs. 4. 2. 50	8	....	37 0 0					
Ditto 9. 1	1	....	9 1 0					
Ditto 4. 2. 31	3	....	13 3 0					
Ditto 4. 0. 37½	2	....	8 0 75					

STATEMENT *showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.*—(Continued.)

DESCRIPTION of TRADE or TAIFA.	Number of each.	Total Number of each Taifa.	Assessment on Individuals.	Total Assessment on each Taifa.	Average payable by each Individual.	Proposed License for each Shop or Machine in Towns.	Proposed License for each in Mozas.	REMARKS.
			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
Town of Dhurungaum—(*Continued.*)								
Barbers, at Rs. 4. 2. 12½	2	....	9 0 25					
Ditto 4. 2	3	....	13 2 0					
Ditto 3. 3. 50	1	....	3 3 50					
Ditto 4. 1. 75	2	....	8 3 50					
Ditto 9. 1. 75	1	....	9 1 75					
Ditto 4. 2. 25	1	....	4 2 25					
		24		117 2 0				
		24		117 2 0	4 3 95½			
Kusba Sowda:								
Barbers, at Rs. 7	3	....	21 0 0					
Ditto 8	2	....	16 0 0					
		5		37 0 0				
		5		37 0 0	7 1 60			
Moza Fyzpoor:								
Barbers, at Rs. 10	4	....	40 0 0					
		4		40 0 0				
		4		40 0 0	10 0 0	5 0 0	5 0 0	License to exercise the trade.
Town of Sowda:								
Carpenters, at Rs. 6	3	....	18 0 0					
Ditto 7	1	....	7 0 0					
		4		25 0 0				
		4		25 0 0	6 1 0			
Moza Fyzpoor:								
Carpenters, at Rs. 12	3	....	36 0 0					
Ditto 13	1	....	13 0 0					
		4		49 0 0				
		4		49 0 0	12 1 0	5 0 0	5 0 0	License to exercise the trade.
Moza Fyzpoor:								
Kullabs, at Rs. 55	1	....	55 0 0					
		1		55 0 0				
		1		55 0 0	55 0 0	....	....	Let out by contract.
Town Sowda:								
Tailors, at Rs. 2. 2	1	....	2 2 0					

Ditto 3	2	....	6 0 0					
Ditto 5	2	....	10 0 0					
Ditto 2	3	....	6 0 0					
Ditto 4. 2	1	....	4 2 0					
		9		29 0 0				
		9		29 0 0				
Moza Fyzpoor:								
Tailors, at Rs. 5	1	....	5 0 0					
Ditto......... 4. 2	1	....	4 2 0					
Ditto......... 2. 2	1	....	2 2 0					
Ditto......... 2	2	....	4 0 0					
Ditto......... 7	2	....	14 0 0					
Ditto......... 4	2	....	8 0 0					
Ditto......... 3. 2	1	....	3 2 0					
Ditto......... 7. 2	1	....	7 2 0					
Ditto......... 10	1	....	10 0 0					
Ditto......... 3	1	....	3 0 0					
Ditto......... 1	2	....	2 0 0					
Ditto......... 11	1	....	11 0 0					
		16		75 0 0				
		16		75 0 0	4 2 75	5 0 0	5 0 0	License to exercise the trade.
Moza Fyzpoor:								
Blacksmiths, at Rs. 34	1	....	34 0 0					
Ditto......... 20	1	....	20 0 0					
		2		54 0 0				
		2		54 0 0	27 0 0	10 0 0	5 0 0	License to exercise the trade.
Town of Dhurungaum:								
Washermen, at Rs. 15	5	....	75 0 0					
		5		75 0 0				
		5		75 0 0	15 0 0			
Kusba Sowda:								
Washermen, at Rs. 16	1	....	16 0 0					
Ditto......... 14	2	....	28 0 0					
		3		44 0 0				
		3		44 0 0	14 2 66			
Moza Fyzpoor:								
Washermen, at Rs. 9	5	....	45 0 0					
		5		45 0 0				
		5		45 0 0	9 0 0	10 0 0	5 0 0	License to exercise the calling.

Statement showing the Variation on the Tax denominated Mohturfa in several Towns in Candeish, with proposed Modification in the Mode of Assessment.—(Continued.)

DESCRIPTION of TRADE or TAIFA.	Number of each.	Total Number of each Taifa.	Assessment on Individuals.	Total Assessment on each Taifa.	Average payable by each Individual.	Proposed License for each Shop or Machine in Towns.	Proposed License for each in Mozas.	REMARKS.
			Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	Rupees. Q. R.	
Town of Sowda:								
Wnjarees, at Rs. 6	1	....	6 0 0					
Ditto ... 3	5	....	15 0 0					
Ditto ... 1	6	....	6 0 0					
Ditto ... 2	2	....	4 0 0					
Ditto ... 7	2	....	14 0 0					
Ditto ... 5	1	....	5 0 0					
Ditto ... 9	1	....	9 0 0					
		18		59 0 0				
		18		59 0 0	3 1 11	....	....	These Carriers contribute so much by their calling to the Customs, that their houses ought not to be taxed.
Town of Dhurungaum:								
Bildars, at Rs. 4 3 75	30	....	148 0 50					
Ditto ... 4 3 50	8	....	39 0 0					
Ditto ... 4 3 50	1	....	4 3 50					
		39		191 3 75				
		39		191 3 75	4 3 66½	5 0 0	....	License to exercise the calling.
Town of Dhurungaum:								
Jogees, at Rs. 6	3	....	18 0 0					
Ditto ... 10	1	....	10 0 0					
		4		28 0 0				
		4		28 0 0	7 0 0			
Kusba Sowda:								
Jogees, at Rs. 5	3	....	15 0 0					
Ditto ... 6	1	....	6 0 0					
		4		21 0 0				
		4		21 0 0	5 1 0	5 0 0	5 0 0	
Kusba Sowda:								
Putweegurs, at Rs. 5	1	....	5 0 0					
Ditto ... 2	1	....	2 0 0					
Ditto ... 6	1	....	6 0 0					
Ditto ... 3	1	....	3 0 0					
		4		16 0 0				
		4		16 0 0	5 0 0	5 0 0	5 0 0	

Political Agent's Office,
31st October 1820.

(Signed) JOHN BRIGGS,
Political Agent in Candeish.

LIST *of the Items of the Revenue of* 1229 *Fusly, denominated Seuay, Jumma or Sayer.*

			Rupees.	Q.	R.	
1	Bullooty Putty.	Tax levied on the Bullooties of considerable villages, only the amount determined by the amount of the Bullooty perquisites	983	3	0	This tax is of late date, and as it is only partial in its operation, ought perhaps to be done away with altogether.
2	Muhzoo Putty .	Tax levied on labourers (not agricultural) residing in markets and other great towns	61	2	0	Proposed to be abolished.
3	Jhunder Putty .	Tax levied for flags in the pergunnahs of Dhywul, Kookurmoonda, and town of Malligaum	19	1	12	Ditto.
4	Scoo Mottee ...	Contribution from vegetables brought to market	188	0	75	Proposed to be abolished as liable to abuse, and as it is only partial in its operation.
5	——	Contribution of skins, cotton, thread, &c. &c. &c. levied at Souda Bahul and a few other places only	238	0	88	Ditto ditto.
6	Kunchar Cutty .	Tax on the bungry makers, levied in Baglan and a few other places only	64	3	0	Proposed to be abolished as it is only partial.
7	Vishwa........	Tax levied in the Nandoorba pergunnah on travellers to defray the expense of maintaining chowkies on roads	78	2	50	Proposed to be abolished as liable to abuse.
8	Girdee Nowaia .	Tax levied on villages near the Fort of Dharup in lieu of providing firewood, &c. for the garrison	27	0	0	Proposed to be abolished as being partial and vexatious.
9	Wangee	Tax levied on grain brought to market towns for sale, originally made in favour of the person who established the market, and since reverted to Government	117	0	56	As this is in addition to the customs it should be abolished.
10	Goarakee	Tax levied in the kusbar of Nandoorba only on the person whose business it is to take the cattle out to graze	20	2	88	Proposed to be abolished.
11	Kussaye	Tax on butchers, independent of mobturfa, levied at Nusseerabad and Souda only	95	1	6	Ditto.
12	Peo Pursuangee	For the privilege of opening pits of grain, levied in the Nandoorba pergunnah only	31	1	62	Ditto.
13	Balawa.........	Payments made by travellers in Kookurmoonda pergunnah to defray the expense of maintaining chowkies of Sebundies in dangerous places	4	1	69	Ditto.
14	Byluck.........	Tax for the privilege of erecting stalls on bazaar days, levied in the Kukurmoonda only	5	2	0	Ditto.

LIST *of the Items of the Revenue of* 1229 *Fusly, denominated Seuay, Jumma or Sayer.*—(Continued.)

			Rupees.	Q.	R.	
15	Dussera Bukra .	Contribution of sheep at the dusserah, levied on the Dangree and Hutgur pergunnah only	14	2	0	Proposed to be abolished.
16	Phag Pully	A tax to raise money to celebrate Hooley feast, levied on the Bureaths in the Kookurmoonda pergunnah only	15	0	38	Ditto.
17	Taboot	Tax for a taboot at Mohurrum, levied in the pergunnah of a Dungree only, first established by the Jagheerdar Meer Khan Toky	9	1	0	Ditto.
18	Nagzur	Paid for permission to dispose of a house, levied in the pergunnah of Errundole only	1	3	35	Ditto.
19	Ghurbary	Rent of houses without owners in the towns of Julgraim and Pompalla	10	1	62	Ditto.
20	Goondul Dhaka	Levied in the Bodar pergunnah only, for permission to beat a tom, &c. &c. &c.	1	0	62	Ditto.
21	Khut Bickur ...	Sale of manure in the pergunnah of Bhall and Bhurgain........	54	2	0	This was only a temporary source of revenue last year.
22	Kurbooz Bury .	Contribution from melons brought to market for sale	32	0	50	This being only partial should perhaps be abolished.
23	Sugan Tucka...	Fee for license to marry, levied in the pergunnahs of Chandsur, Nandoorbar, and Sonda only	12	3	81	Ditto.
24	Mohturfa	Tax on tradespeople and manufacturers	41,621	1	12	
25	Chupa	Fee from stamps on weights and measures, levied in the pergunnahs of Saongheer, Sulling, Narrapore, and Nandoorbar only	85	0	56	
26	Tale Ratib......	Contribution of oil for the use of mills belonging to Government	598	0	44	These mills should, if possible, be sold outright.
27	Dullally	Fee paid by the dullals or brokers of market-towns in proportion to their receipts........	2,384	2	83	This should be rented out.
28	Yatraootpun ...	Fee paid for the privilege of erecting stalls at the places where the pilgrims assemble	64	0	50	
29	Wunchuraye...	Tax paid for liberty to graze cattle	1,036	2	94	
30	Bharoothal	Ditto ditto goats and sheep........	976	2	81	

31	Paldam........	Fee paid by widows for permission to marry, levied on all but Wuttunders	501 3 56	
32	Furputta	Tax levied on grain and wood brought from the hills for sale at Kookurmoonda	570 0 31	This should be classed under the head of the Customs.
33	Tingotee.......	Tax on the sale of cattle at Julgaon and Pempulla. At other places this is included in the Customs, but having formerly been granted to the Potails of those villages on its reverting to Government, it was kept, and has remained a distinct bab..............	148 0 0	Should be included under the head of the Customs.
		Total	50,212 3 19	
		DEDUCTION.		
		Collected by Mahadoo Rao Rastiah's Carcoon from the pergunnahs of Souda and Jamnair .... Rupees 415 0 75		
		Sahootra 224 0 0		
		Mocase of Errundole pergunnah 1,036 2 75		
		Total Deduction	1,675 3 44	
		Balance ...... Rupees	48,536 3 75	

Political Agent's Office,
31st October 1821.

(Signed) JOHN BRIGGS,
Political Agent in Candeish.

H. POTTINGER, Esq. to W. CHAPLIN, Esq.

Dated the 29th May 1821.

Revenue Enclosures in Mr. Chaplin's Report, 5 Nov. 1821.

Mr. H. Pottinger, 29 May 1821.

Deccan.

SIR:

1. I have the honour to acknowledge the receipt of your letter of the 12th instant, calling for a reply to your despatch of the 20th of September last, respecting the jummabundy of this collectorship for fusly 1229.

2. I beg to inform you that I found it out of my power to prepare the minute returns, the forms of which were enclosed in that letter, from the jummabundy accounts of fusly 1229; and I therefore was obliged to defer them till the present season should enable me, through the assistance of my hoozzoor cutcherry establishments, to obtain on the spot, as I visited each district, the requisite information.

3. This having now been done, the returns are in a state of great forwardness; and they shall be submitted to you, accompanied by my jummabundy report for the fusly 1230, at the earliest practicable period.

4. I trust you will believe that I have made every effort to comply with your requisition, and had my doing so depended on my hoozzoor servants and myself, it would have been accomplished; but that not being the case, I have had to contend with the combined stupidity, apathy, and indolence of the Camavisdars and their establishments, and have, after all, derived but little assistance from them.

5. I must, however, in justice add, there are many excuses for them. The Daismooks, Potails, and other hereditary revenue officers of the country, from whom they must in the first place procure details, are so ignorant and so jealous of any thing like inquiries, though it is even clearly shown to them they are for their own good, that it is a most tedious and irksome duty to extort answers to questions from them; and in many cases when they gave them readily, they were so obviously imperfect, that they were of no use for our purposes.

6. I hope however, when the returns are laid before you, you will find them as complete as the state of this country, and the inexperience of our Revenue officers, could lead you to expect; and in the mean time, I shall proceed to make you acquainted with the result of my jummabundy arrangements for fusly 1229; premising that my motive for delaying it so long, arose from an intention I had of reporting on those of both seasons in one despatch.

7. The number of Camavisdarships under me in 1229 were twenty-one, containing villages and hamlets as follows:

	Villages.	Hamlets.
1. Ahmednuggur, including Ranjungaon	56	11
2. Kardah	36	—
3. Parnair, including Gange Bheera and Nigoze	86	40
4. Rahory, including Baylapore, Barragaon, Nandoor, and Wowrud	94	4
5. Sungunnair, including Dhondurphul	96	15
6. Ankola, including Kotool and Rajoor	161	—
7. Praunt Joonur	172	111
8. Neywassa, including phootgaons of Byzapore and Gondapore	112	2
9. Sowgaon, including the kusba of Monuckdowndy	63	24
10. Jamkhair, including Kurrah and Ammulnair	42	38
11. Barsee, including Agulgaon, Rahmjun, Pangree, Pangaon, and phootgaons of Dhokay	106	26
12. Bhosah, including phootgaons of Wangee, Mundroop, Mhole, and Kurkumbh	54	4
13. Indapore, including Rasseim	80	58
14. Umbur	210	7
Carried forward	1,368	340

Revenue Enclosures in Mr. Chaplin's Report, 5 Nov. 1821.

Mr. H. Pottinger, 29 May 1821.

Deccan.

	Villages.		Hamlets.
Brought forward.........	1,368	......	340
15. Errool, including phootgaons of Seeor Dhoondulgaon, &c.	27	......	18
16. Nassick, including Trimbuck and Waghaira...	228	......	66
17. Sinnur, including Daipore..........	62	......	28
18. Koombharee, including Korhalla and the kusbas of Rahatay and Nawee	64	......	5
19. Chandore	123	......	18
20. Pateda	134	......	10
21. Wunn, including Dhindory	149	......	69
	2,155	......	554

Making together a total of 2,709 villages and hamlets.

8. The total extent of ground in the above districts, according to the most accurate returns I have been able to obtain, is about 5,999,000 beegahs, of which 3,748,000 beegahs are stated to be lost in rivers, rocks, and hills, and included in enams; leaving 2,249,000 beegahs of arable land in the hands of Government.

9. The kumal of many of the Camavisdarships has never been fixed, or at least the accounts of it have not come into my hands; and where that is the case, I adopted the tunkah as the standard for fixing the revenue in 1229. Where the kumal rates were known, of course they were preferred.

10. In 1228 I assigned four per cent. on the total jummabundy for the gram khurch, exclusive of paying the wurshasuns, nemnooks, &c. receivable in the districts; but the amount of the latter bore so great a proportion to the former, and I received so many representations about their not having been paid, that in 1229 I allotted six per cent. on the gross revenue in lieu of both those charges, and I have found this arrangement to answer exceedingly well.

11. It was with great difficulty I could restrain the Potails from exceeding the four per cent. gram khurch in 1228; and in fact a vast number of them did so, which obliged me at the close of that year to resume their wuttuns, until they made good the defalcations which their alleged extravagant and unauthorized expenses had caused in the treasury receipts. This I was the less scrupulous about doing, because it was found in every instance that the Potails had appropriated all beyond the four per cent. (and in numerous instances even a portion of that) to themselves.

12. The jummabundy, exclusive of the farm of Zukaut, of the whole country under my superintendence, in 1228, was......... Rupees 20,07,645 2

From which the deductions of every description were 4,15,831 3

Leaving as the nett revenue derivable to Government 15,91,813 3

13. At the close of 1228, districts which yielded in that fusly 2,12,477 rupees were transferred to the Poona collectorate, and others were made over to my authority by the Political Agent in Candeish, of the jummabundy of which for that season I received no particular statement: and, in fact, had I even done so, I should have hesitated about making use of them as a ground for comparison between that and the succeeding year; for, owing to Captain Briggs not having had time to visit each pergunnah and settle the revenue in person, many inaccuracies have since come to light, and balances are still, I believe, due from several of the districts.

14. I have therefore prepared a table (No. 1), shewing the gross revenue of each Camavisdarship that was under me for the two fuslies 1228 and 1229, together with the deductions and nett proceeds, and have affixed to it such remarks as will, I trust, be sufficiently explanatory of each item.

Revenue Enclosures in Mr. Chaplin's Report, 5 Nov. 1821.

Mr H. Pottinger, 29 May 1821.

Deccan.

jagheers and various aumils restored, and which I estimate, as stated in the sixteenth paragraph, at nearly 2,90,000 rupees, forming together a total increase of Rupees 5,91,729. 3. 81, or thereabout; of which amount, perhaps, Rupees 60,000 is already accounted for in the Enclosure No. 2 of this despatch, and should consequently be taken from it.

28. This increase, though so very considerable, did not fall heavy on the Ryots, because they had been assessed at very low rates in the preceding season; and in my arrangements for 1229 in the districts of which I made the jummabundy I provided for a gradual annual augmentation to the revenue, subject, of course, to such modifications as the failure of crops and other unforeseen accidents might render expedient.

29. The late Mr. Wilkins was entrusted by me with fixing the revenues for 1229 of the pergunnahs of Nassick, Sunnur Chandore, Wunn, Dhindory, Patoda, Trimbuck, Waghaira, and Koombharee, and my instructions generally to him were to follow the same system I pursued; but as I never received any report on the subject from him, and as he did not return to Ahmednuggur on the abolition of his situation as Sub-Collector, which would have given me an opportunity of conferring with him, I am not at this moment able to say how far my suggestions were complied with. Mr. Crawford having, however, visited those pergunnahs this season, and having bestowed unusual pains on each of their settlements, I have little doubt but I shall have it in my power, when I hand up my report for the present fusly, to assure you that they are in a progressive state of improvement.

30. I must conclude this despatch by intreating that you will make allowances for any want of details which you may perceive in it, and which I hope to rectify in time to come. Many circumstances have combined to put it out of my power to bestow that time on the preparation of this report which I should otherwise have done; and the frequent interruptions from business which demanded my immediate and exclusive attention, (and of which you are fully aware) will, I confidently trust, plead my excuse in your opinion.

I have, &c.

Collector's Office, Ahmednuggur, 29th May 1821.

(Signed) H. POTTINGER, Collector.

ST. JOHN THACKERAY, Esq.

(*No date.*)

Epidemic.

Revenue Enclosures in Mr. Chaplin's Report, 5 Nov. 1821.

Mr. St. John Thackeray, (No Date.)

In most parts of the district the Ryots have suffered much from the epidemic and from bad crops. The epidemic has been very destructive in the Dooab. In fusly 1228 it was supposed to have carried off 15 000 souls, and during the last fusly it cannot have swept away less than 10,000: so that out of an estimated population of 545,124 souls, 25,000 have been carried off in two years. The number of Ryots in the Dooab is supposed to be 213,000, so that the deaths among them caused by epidemic amounted at least to 9,768. Even a greater proportion of Ryots were probably destroyed, for as they are more exposed to the weather than any other class, they are of course more subject to epidemic. Nor were the effects of the epidemic confined to its victims: a whole family was often thrown into distress by the death of its most useful member. The spirit of the Ryots was broken; in some places their distress was increased by expensive sacrifices to the goddess Doorgee; in others they supposed that nothing but desertion could save them from the visitation.

Bad Crops.

Since the country came into our possession the crops have been very unfavourable, particularly in the eastern talookas, where so much of the food of the people and of the revenue is produced. The effects of one bad season may be got over; but no village can stand two or three successive failures, as the price of grain rises and falls with the abundance or scarcity of the produce. The

Revenue Enclosures in Mr. Chaplin's Report, 5 Nov. 1821.

Mr. St. John Thackeray. (No Date.)

Deccan.

The high prices of bad years certainly compensate in some measure for the failure of crops; but this partial advantage seldom reaches the labouring Ryot; he depends on his produce for his daily food, as well as his means of paying the kists, although the increased demand raises the value of what he consumes: nor does he in general benefit by high prices; for the same failure which distressed him obliges him to pay his kists through Soucars, who get possession of his produce on their own terms, and gain all the profits of the market.

In villages where the distress has been great and brought to notice, liberal remissions have been made; but remissions seldom reach the proper objects, and the complaints of the starving Ryot are never so loud as those of the well-fed Curnum or substantial cultivator.

Local Measures.

There is, perhaps, no district in India where a standard for fixing the land revenue is more required than in the Carnatic. The Statement No. 1 shews that in some talookas there are no less than nine kinds of land measures. These again vary in almost every village; and as none of them have reference to any fixed length, there is not one of them that would answer as a standard.

Puttee.

In the Dharwar talook there are 123 villages: in fifty-eight of these the puttee is the great measure; but there is one puttee for the regur, another for the masub, and a third for the turee. In the regur again the extent of the puttee varies from twenty-four to forty-eight koorgees. The koorgee being the supposed space that can be sown with the drill-plough in one day, is of course very irregular. From these circumstances, and from the roguery of Koolkurnees, the koorgee is found to vary from two to eight acres; the average extent of it may be five acres.

In villages where arid and mosul lands prevail, the puttee contains from two to twelve of these variable koorgees.

In turree villages the puttee is still smaller: it contains only from two to eight koorgees; here it is generally from one and a half to four acres.

Kool.

In nineteen villages of the Dharwar talook the lands are divided into shares, each of which is termed kool. The word signifies a Ryot, and in this sense may mean the space which one Ryot is expected to plough. It contains from six to eight koorgees.

Stulh.

In seven villages of the same talook the stulh is the land measure; it appears to answer to the moratta thekina, and is about the same size as the koorgee.

Fulnee.

The lands in five villages are divided into parcels, each of which is called fulnee. It probably meant originally the quantity of land that paid a tax of one fanam in one-tenth of a pagoda. The fulnee zumun is equal to about two koorgees.

Mar.

In seventeen regud villages of the Dharwar talook the lands are divided into mars of from six to twenty koorgees, each koorgee containing from two to eight acres. Mar is the common Canarese term for a fathom, whence the measure is probably derived. Twenty of these fathoms make a beegah, thirty-six of which are equal to a mar; but owing to alterations in the length of the fathom, which is the basis of the beegah, this measure is almost as variable as the rest. The rajah rekhu, or fathom of the Anagoondy government, appears to have been equal to four and a half hath. This was formerly the common fathom of the Carnatic; and Vittul Punt, an officer of one of the Rajapoot kings, immortalized his name by increasing the length of it from four and a half to six and three-quarters haths, *i. e.* to the pauch hath, pauch moothee, twenty of which go to the side of a vittul punt beegah. The average pauch hath moothee is about ten and a half feet, and the side of a vittul punt beegah being one hundred hath and one hundred moothee, is two hundred feet long.

Revenue Enclosures in Mr. Chaplin's Report, 5 Nov 1821.

Mr. St. John Thackeray. (No Date)

Deccan.

are apprehensive as to the amount of the full rent, reference to which the prescribed reduction is allowed, and the reasonable fear that what is termed the chalee may be taken as the standard. The difficulty can only be removed by a survey, for the chalee is at present the maximum assessment, and is always heavy in the proportion that the kutgoota and kund-mukhta tenures are light.

Istawa for Deserted Villages.

With reference to the istawa for deserted villages, experience proves its value, and it only appears necessary to extend its benefits. Many villages here that once produced four or five thousand rupees revenue, are now so much reduced that they yield only so many hundred; but as the istawa is not at present applicable to villages the rent of which exceeds two hundred rupees, they cannot benefit by it. The cowlnamah would, indeed, be sufficient to bring their waste lands under cultivation, if more Ryots were forthcoming; but greater encouragement is necessary to induce deserters, who have settled in other countries, to return to their native villages. Instead, therefore, of granting the istawa only to villages producing no more than two hundred rupees, I would give it to all those which have been reduced by desertion to one-third of their former size. This indulgence would not cause any present loss, as the fourth article of istawanama provides that the land actually cultivated shall pay the usual rent.

The indulgences which I am recommending may appear to involve some sacrifices, but many of the villages here have suffered so much from desertion and exaction under the late Government, and from the effects of the epidemic under our own, that no ordinary encouragement will restore them to prosperity. In making our terms with the Potails of such villages, our first care should be to avoid all conditions which, not being quite clear to the Ryots, enable the Zemindars and Curnums to take advantage of his ignorance. The cowl should be as simple as possible, so that every cultivator may know when it is infringed. The exertions of the Ryots are much in proportion to their circumstances, and in the poorest villages we generally find them the most ignorant and least sanguine. Their ideas of a liberal cowl may be gathered from what they record of the bounty of Ullee Khan, the minister of one of the first Nabobs of Savenoor, who, in order to bring the waste lands into cultivation, is said to have required only a seer of butter or a basket of grain for every field that he granted on cowl. This tradition may be too absurd to deserve notice, but the general and lasting impression it has made proves that simplicity as well as liberality is essential to the popularity of a cowl.

Trade was favoured at the expense of agriculture under the late Government, and as most of the revenues were collected through Soucars, the interest of this class was regarded much more than that of the Ryots. Substantial farmers are very rare, and in many villages the Ryots have not stock sufficient to keep up the usual cultivation. The tuckavee we advance assists them in some degree; but we cannot afford enough to replace the stock of those cultivators who have lost their cattle by accident, or by the murrain, which has lately been so destructive in the Carnatic.

Epidemic and unfavourable seasons have prevented the country from benefiting, as it ought to have done, by the change of Government. Those evils, had the population been full and the people flourishing, would scarcely have left a visible mark, and would have disappeared like stones thrown into deep waters; but in some places they have left effects which, still appearing above the surface, betray the shallowness of the stream.

Our system is generally favourable to the Ryots, and will be much more so after a survey shall have equalized the assessment; but it has some disadvantages that are not found under a good native administration. A Collector whose zeal is his chief recommendation, makes a high settlement; and his Aumils, following his example, blindly and rigidly exact payment of the full amount. A bad season causes much distress; but the Aumil, fearful of the Collector's displeasure, and doubtful as to the proper objects of remission, squeezes all he can collect from the Ryots before he thinks of representing their poverty. The strength of our Government enables him to enforce his demand; the Ryots' resources are drained, and the zeal of the Collector proves more injurious to the

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the country at large than the partial exactions of a native government. Our officers can collect with the pervading sweep of a drag-net, which allows very little to escape. A native Government seldom possesses much sweeping power: the meshes of its net are smaller, and where it falls nothing escapes; but its compass is narrow, and it does not often exhaust. I allude, of course, to districts and talooks that are managed with more zeal than judgment, and with more of the strength of our system than its wisdom. Without allowing that whichever government is best administered, is best,* we may, I think, infer from the flourishing state of some of the jagheers where the government is patriarchal, and where the machine of state seems to work imperceptibly, that the simplest form of administration is best adapted to this country. The [illegible]rdars, however, have certainly advantages that we shall never possess; [illegible]equire less revenue, and can afford better terms to their Ryots. Their [illegible]agers are generally their friends and relations, who live in the country; they manage and look as much to their own popularity with the Ryots as to the favour of the Jagheerdar. This system, when the chief is a good man and the country quiet, must be favourable to agriculture; and we see its happy effects in the jagheers of the Putwurduns. But it is more like the management of a great estate than the administration of a government: it has no vigour; it could neither raise a large revenue nor maintain a powerful army, and in times of general danger it must always look to stronger powers for protection. We, as conquerors and foreigners, can never be patriarchs, and cannot afford to be very liberal; but as our strength and resources are greater, our power to do general good is much greater than that of any government that ever ruled in India. We are come too late to distinguish ourselves as legislators or reformers; and we want laws much more to check European meddling and innovation, than to correct the existing order of things. We could not have found a better base for our internal administration than the village institutions: where these are impaired we must supply what is deficient; where they are entire we have only to preserve them. We are come too late into the field to sow it, but the plant already grown up has been tried by time and by storm, and as a good and wholesome plant we have only to prune it cautiously, water it generously, abstain from forcing it, and studiously avoid meddling with its roots. Let us not attempt to transplant it into hot-houses, or to apply to it rules of horticulture adapted to a different age, soil, and climate, and to another species of the plant.

Punchayet.

Civil cases are referred to arbitration or to punchayets The nature of these courts has been frequently described, and is too well understood to require further explanation. The great objection to them is, that although well calculated to afford justice in simple cases, they often procrastinate in matters of difficulty. This however is more or less the cause all over the world; and in England, where the machinery of the law is more expensive and complete than in any other country, a Lord Chancellor, who was asked how he contrived to dispose of such accumulations of suits, is said to have replied: "I settle some "myself, the Masters settle others, some settle themselves, and some are never "settled at all."

In appointing the punchayet, it seldom appears necessary to provide for a casting vote, as the members, like jurymen in England, are generally persuaded to unanimity.

In difficult cases, when the rights of the parties are complicated and seem nearly to balance, compromise is generally resorted to, and each takes half of the disputed property. This mode of decision is very common, and is termed "havin ne aya," from having been the favourite practice at the once flourishing town of Havin, which was formerly the place to which all the neighbouring pettahs looked for rules of proceeding. Strict justice can seldom be afforded by compromise, but in difficult cases there is much to recommend it. It implies the mutual consent of the parties, it checks litigation, disarms

(*Sic orig.*) ....

One inconvenience arising from punchayets is, that the same five or six persons in each talook are usually selected as members on every occasion. One talook seldom contains more than this number of persons, who are used to the

 duty

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duty and qualified to perform it, and the parties in a suit generally name these men as their judges. This circumstance is hard upon the individuals who are so frequently called upon, and it is objectionable so far as it may enable the wealthier party in a suit to propitiate the members of the punchayet. As, however, the parties are both at liberty to challenge the members, whose characters are pretty well known, partialities usually balance; and few complaints of bribery or corruption have been hitherto preferred to me.

In order to complete the efficiency of the punchayets here, only a few simple rules seem necessary. One is, that each Aumildar should keep a folio book in the talook cutcherry, or in the kusbah pagoda, as a public register of punchayet cases. Each page should be divided into columns in the annexed form, and the book should be kept with all care and formality, so that every man whose name is entered in it, either as a member or a party, may feel that his truth or falsehood is to be publicly and permanently recorded.

Register of Punchayet Cases tried in the Talook of .

No.	Names of Parties.	Substance of Suit.	Names of Punchayet Members.	Period required for Trial.	Decision in whose Favour.	Date of Decision.

The fourth column for the names of the members should contain their own signatures; the fifth column may also be filled up by them as a check to procrastination. Trifling as this ceremony may appear, it seems calculated to ensure punctuality, the great desideratum in the system. As a further check to litigation and delay, penalty bonds should be taken from suitors, binding them in case of being cast to pay batta to witnesses, and also to defendants and members of punchayets requiring it. Batta, however, should be payable only to those who attend in due time; and in case of the party cast being a pauper, it should be discretionary with the Collector to give the amount from the public treasury.

Police.

The chain of our police here is in so many places broken or disjointed by the intermixture of the villages of Jagheerdars and independent chiefs, that we can hardly expect to establish a regular system of co-operation for the apprehension of thieves and the discovery of stolen property. This evil scarcely admits of a remedy, but the extent of it will depend much on the personal character of our neighbours and on our influence with them. We have certainly no right to interfere with the external management of villages belonging to chiefs whose independence is guaranteed; but the general welfare of the Carnatic demands such precautions as shall insure the co-operation of our neighbours. This consideration justifies our enjoining the adoption of a regular system in the jagheers; and we might, I think, prevail on each Jagheerdar to appoint a Superintendent of Police, who should be answerable to our Government as well as to his immediate superior, in cases connected with the general administration of criminal justice.

This plan might be adopted with respect to the Colapore Rajah, the Putwurduns, the Nepaneekur, the chiefs of Moodhole, Kittoor, Ramdroog, Nurgand, Gunjunderguгh, and Malojee Rao Gorpur. With regard to the smaller possessions of the Sauvenhoor Nabob, Gokla's mother, the Jambootukur, and the other Dessayes, our police must have a concurrent jurisdiction in their villages, the Potails, Curnums, and Tullaries of which should be responsible to us as well as to their immediate masters.

Shetsundees.

Many evils of the system here arise from the irregular distribution of the village Shetsundees; and the lawless habits of this class, from the want of public

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public spirit in the Potails, Curnums, and other village officers, and from the disordered state of that part of the Dooab which belongs to his Highness the Nizam.

The accompanying Statement No. 4 shews that nothing can be more irregular than the distribution of the Shetsundees The whole number of them in the district is 13,246. The estimated bireiz of their lands amounts to Rupees 1,50,025; their money allowances, called milevenum, are Rupees 3,149, and the pay of the Peons who guard the hill-forts in the Padshapoor talook amounts to Rupees 2,411. Thus the whole authorized allowances of the Shetsundees in money and land are Rupees 1,55,584; which sum, on the average, allows to each person only Rupees 11. 2. 93. per annum.

Their pay, however, varies so much in different places, that an average gives no correct idea of the amount. In the principal division, the average pay of a Shetsundee is Rupees 12. 0 41. In the Beejapoor division, it is only Rupees 5. 2 41.; but in the talookas that lately composed the Ranee Bednoor division, it amounts to Rupees 25. 1. 37.

In the talooks where the Dessayes were most powerful the number of Shetsundees is much out of proportion The jealousies and disputes between the different Dessayes induced each to keep up an establishment in proportion to that of his neighbour: when one Dessaye increased his number of men, the rest did the same, as Shetsundees were found cheaper than any other kind of Peons In some villages the Shetsundee establishment has been increased in times of danger, and should have been again reduced on the return of tranquillity; but the Shetsundees still keep the lands that were intended merely as temporary assignments. Such lands are now resumed as they come to light; but I propose to assess them so moderately, that the Shetsundees who hold them may be induced to cultivate them as usual; harsher treatment would compel the dismissed Shetsundees to desert their lands, which would become waste.

The number of Shetsundees in many places seems out of all proportion, owing to the decline of the villages, and the reduced condition of all the inhabitants except the Shetsundees, whose enam lands have enabled them to thrive, whilst the rest of the community have been impoverished by exactions. From villages of this description I propose to transfer part of the establishment to other places which are without Shetsundees, or which have increased in size and population since their quotas of Shetsundees were allotted.

In some talooks a proportion of the Shetsundees of particular villages perform garrison duties in the large forts; and although they constitute a bad garrison in times of danger, their services may enable us to reduce the Asham establishment, which is much too large in the talooks where there are many fortified places.

With reference to the whole district, the total number of Shetsundees * also appears very............Their allowances amount to near seven per cent. of the land revenue; but if we can reform their habits, we may draft from them a body of Peons, which will enable us to dispense with a large proportion of our Asham establishment.

Asham.

We have at present 2,695 Asham Peons, who cost 1,86,417 rupees per annum. Within the next three years we may reduce the number to one half, and if Shetsundees be substituted for half of the remainder, the difference between their batta, at the rate at two and a-half rupees per mensem, and the pay of the Asham which is five rupees, will cause a saving of Rupees 26,414 per annum.

The present number of Asham Peons in the Carnatic is 2,695; their pay	Rupees 1,86,417
Proposed reduction within the next three years, 1,347 persons, their pay	93,208
Remaining 1,347 Peons, their pay ....(carried over)...	93,208

* Land Revenue .... Rupees 22,30,400
Shetsundee land 1,55,589

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Brought forward......... Rupees		93,208
The pay of one-half, or 673, to remain as it is	46,604	
Batta payable to Shetsundees, to be substituted for the other half	20,190	
		66,794
Saving gained by employing Shetsundees......... Rupees		26,414

In this manner we might effect a saving of Rupees 26,414 within the next three or four years; but there are considerations which should make us cautious, as well as econominal. Since the Carnatic came into our hands, the minds of all classes have been overawed by the recollection of our military successes, and the strength of our regular army. They still see us prepared to keep the country with nearly the same force that enabled us to conquer it, and the fears of the disaffected are greater than their hopes. It remains to be proved how far a great reduction in the force would encourage them to return to their former lawless habits, and in order to be on the safe side, we should avoid sudden reductions. The presence of an army gives great weight to the police, and the permanent establishment of Asham Peons should be fixed with reference to that of the regular force.

Most of the improvements of which the police is susceptible have been already suggested; they are the formation of the Asham into regular Buradarees, with gradations of pay, which shall afford means of rewarding and punishing. The selection of a body of Peons from the Shetsundees of the border villages, for the maintenance of the frontier police; a more equal distribution of the Shetsundees among all the villages of the district; the selection of companies of Shetsundees to be substituted for a portion of the Asham, wherever the country shall be ripe for this measure; the gradual reformation of the Potails, Koolkurnees, and village officers, who under an improved system will alone be sufficient for all the ordinary purposes of police. The appointment of responsible Darogahs of police by the great Jagheerdars, and the thorough introductionof our own system into the villages of all the petty chiefs, some of whom still exercise powers which are incompatible with their relation to our Government.

Mogul Frontier.

Whilst the eastern part of the Dooab belongs to the Nizam, it will be very difficult, if not impossible, to keep the peace effectually near the Mogul territory. The Kistna, which separates this tract from the rest of his Highness's country, seems also to be the limit of his civil authority, and an army will always be necessary to enforce his ascendancy. The local authorities in general are despatch Jagheerdars, who dispute for the upper hand with lawless Dessayes, and rebel Potails. Many of the Ghurees are nests of freebooters employed by these Dessayes and Potails, to whom it is in vain to look for co-operation in apprehending members of their own gang.

Horse.

As connected with our police establishment here, it may be proper to notice in this place the body of irregular horse employed in the Dooab. Their number is one hundred and eight, and forty-two of them are at present attached to the military department. Their expense since the beginning of last year has been reduced from Rupees 5,816 to Rupees 3,110 per mensem, and a further reduction is very desirable. As, however, some of the Risaldars have claims on our liberality, and as the employment of their men keep a number of idle hands out of mischief, they should be disbanded gradually. Most of them are well-behaved men, and since the transfer of the districts lately ceded by the Nizam, they have been employed in carrying despatches between my cutcherry and that of the Collector at Sholapore. I shall soon propose a further reduction of them.

Discharged Sebundies.

In my letter of the 20th July, I explained the circumstances that would render it difficult here to convert discharged Sebundies into cultivators. A Peon whose family has land requires little encouragement to cultivate, when he

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he is not on service; but those who have always carried arms, and are no related to the landed militia of the country, would rather go to Delhi for service than turn ploughman at Dharwar.

Morality.

With respect to the state of morality in the Carnatic, if we make allowance for the incompact extent of the country, the intermixture of foreign territory, the effects of the Peishwa's mal-administration, and the misrule of some of the neighbouring states, I think the proportion of crimes is not so great here as it is in some of the districts that have been longest under our courts of justice. I subjoin an abstract of the offences committed in the two last years. The calendar of 1821 certainly exhibits a much greater number of crimes than that of the former year; but that is to be attributed more to the increasing facility of detections than to the growing number of crimes. Under the late Government, information regarding criminal matters was generally suppressed and kept from the ears of the state, by means of hush money, so that few offences came to light. We cannot expect at once to remove these evils, and until it be completely eradicated the number of crimes will appear to increase yearly as our police improves.

Comparative Abstract of Convictions in the Dooab during the Years 1819 *and* 1820.

Murder.		Robbery.		Theft, Petty Theft, and receiving Stolen Goods.		Arson.		Violent and petty Assaults.		Perjury, Forgery, and Coining.		Adultery.		Total.	
1819.	1820.	1819.	1820.	1819	1820.	1819.	1820.	1819.	1820.	1819.	1820.	1819.	1820.	1819.	1820.
9	8	13	28	104	132	5	5	14	43	2	3	3	5	150	224

As connected with the peace of our own territory, it is necessary that we should consider the administration of our neighbours as well as our own.

Colapore.

The inexperience of the Rajah, and his want of good counsel, are evinced by the disordered state of the police in his country, the presumption of his dependent Jagheerdars and feudatories, and the complaints of his Ryots. The removal of these evils depends chiefly on the person whom the Rajah may appoint as his Dewan, and this is one of the few cases in which our interference might be of general benefit, The tranquillity of our own territory, as well as that of the neighbouring jagheers, depends much on the management of the Colapore country. The number of strong-holds in the western ghauts, the rebellious spirit of some of the Dessayes and petty chiefs, the lawless habits of part of the population, and the vicinity of the Sawuntwara state, would greatly favour the views of an enterprizing pretender, and such a character is not unlikely to spring up. The Rajah seems to have no effectual control over the people in the remote parts of the territory under his own immediate management, and in the alienated villages, which are so numerous, his authority is of course still more feeble.

Robberies and other outrages are frequent in all parts of the Colapore country, and when one occurs no person ever seems to be near the spot whose business it is either to prevent the offence or secure the offender. After many delays a case of robbery sometimes finds its way to the Rajah's ears, and if he happens to be struck with its enormity, he orders out the Tuppasnuves with a body of horse and foot, to hunt the perpetrators. The party, after scouring the country, and probably becoming as great a nuisance as the thieves themselves, return to Colapore and report that it arrived too late to trace them. Under such misrule the Potails, who should be here what the justices of peace are at home, become the abettors of rogues instead of their terror, and the Shetsundies and Tullaries become thieves instead of thief-takers.

Putwurduns.

The Putwurduns in general maintain their character as good, or rather easy managers. Most of their country is fertile. Mydan, where the inhabitants

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tants are peaceable cultivators, and where the village institutions are entire, the expenses of the state being light, taxation is light also, and the country affords few strong-holds to protect disaffected Dessayes and discontented Potails. These are advantages which a great Government can hardly possess in the same degree, and we cannot expect to see our own villages thrive so fast as those of a well-managed jagheer. As, however, we have more justice and vigour, our authority is much more respected; and although we cannot afford equal indulgences to our Ryots, we know that moderation is as good for ourselves as for the people.

Only one branch of the Putwurdun's administration seems to require our interference, and this is the police. They promise co-operation, and sometimes detach bodies of Sawars and Peons to trace robbers; but this very measure proves the inadequacy of their means, and the absence of a good village system. At present there is a great want of co-operation between the border villages on each side of the frontier: wherever it occurs, a thief by crossing the frontier into the village of another state often throws out his pursuers, and escapes during the squabble that ensues between them and the villages. This inconvenience must always in some degree prevail: but we may lessen it by inducing the Jagheerdars to make their police-officers part of a general establishment for the maintenance of good order. The way in which I propose to form this is noticed in another place.

Although it be desirable that we should as much as possible avoid meddling with the internal management of affairs in the territory of the Jagheerdars, there are many points connected with their relative situations, their family quarrels, their home and foreign politics, their issue, adoptions, and partition of estates, which render it necessary that we should continue acquainted with their respective concerns.

The principal matters in dispute at present between the Jagheerdars are noticed in the accompanying register, which shews also the steps taken towards an adjustment of each difference.

With respect to the Putwurduns, the subjects that particularly require our attention at present are the minority of the Tasgam chief, and the jealousies of his rival ministers; the partition of the Meritch estate, and Madhoo Rao's aversion to the measure; the Sunkeundeekeer's conduct with respect to the fugitive Dessaye of Gohawk and his estate; also with respect to the Potail of our village of Khautaee; the disputes between Kistna Rao and Neelkaunt Rao, the sons of Sheva Rao; the old family contention between the house of Meritch and Sangolee.

Kittoor.

With regard to the other chiefs we must prevent the Moodhole and Kittoorkars from imitating our coins, and we must endeavour to improve their police. The Kittoorkur's country does not appear to be well managed at present, and there is always much difficulty in collecting the peshcush.

Moodhole.

Both he and the Moodholkur are young and appear to be ill-advised; but as they do not seem to want capacity, I hope they will see their own true interests after more experience.

Nepanee.

The Nepanee chief remains in grim repose at his capital. His country does not appear to be better managed than usual, but the complaints of his subjects, both male and female, are not so loud.

Murgoond and Ramdroog.

The jagheers of the Murgoond and Ramdroog chiefs appear to be thriving; the former is by no means satisfied with his share of the estate. As, however, the division of it took place and continued under the late Government, it now seems too late for us to interfere. These chiefs have not yet paid the Koorjoor peshcush, to which we have a right; and as the Murgoondkur is very discontented, it will probably be necessary to resume some of his villages in order to realize our dues. I was in hopes that the good sense of this chief would

would induce him, on reflexion, to comply with the just demands of Government; but forbearance is lost upon him, and if he does not very soon agree to the terms that have been proposed, I shall submit for your consideration a mode of proceeding towards him which will be more effectual than remonstrance.

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Gudjundurghur Jagheer.

The Gudjundurghur jagheer contains many nests of thieves, and the perpetrators of two gang robberies have been traced to them. The strong-holds of the country, and its insulated situation between our territory and that of the Nizam, is very favourable to the concealment of such hordes; and the Jagheerdar, if he does not connive at the roguery of his subjects, certainly takes no effectual measures to curb their propensities. Part of a gang who committed a robbery last year at Bagulkotta, confessed that they were at the time in his service, although not employed by him as thieves. We must make some allowance for the habits in which he has indulged, and give him time to reform, which, as his disposition seems good, I hope he will do when he finds that practices which have been tolerated only by the weakness of a Mahratta Government are no longer to be followed with impunity.

Savenoor Nabob.

Amongst the chiefs in whose possessions our police should have a concurrent jurisdiction I have classed the Nabob of Savenoor. His rank and descent certainly entitle him to every consideration; but with reference to his situation under the Peishwa's Government, the small extent of his country, his bad management, and his want of a regular establishment for the administration of justice, he cannot expect that we should exempt his villages from the operation of our general system; nor do I think that his pride will be hurt by the application of our rules, if they are introduced gradually, and without the appearance of innovation. Under the late Government the Sirsoobadar resided at Savenoor, and his authority of course superseded that of the Nabob's; nor did the dignity of the latter alone suffer by the eclipse, for as the tables of the Sirsoobadar and his followers were supplied by furmaish in the neighbourhood, the Nabob's property and that of his subjects were often put in requisition by the Sirsoobadar's people. We have not only relieved the Nabob from this cruel tax, but have granted him a handsome pension, and all we desire is to prevent his villages from breaking the chain of our police. This we can do without wounding his feelings if we avoid judicial forms, and confine our interference to matters of importance. His Wukul is generally at Dharwar, ready to satisfy our inquiries, and his agency will in most cases be sufficient to secure the objects for which we interpose.

Jambootee.

What I have said with regard to the Nabob applies in some degree to the Sirdeshai of Jambootee, whose family, although not more considerable by birth than that of other great Dessayes, has long been almost independent, owing to the strength and remoteness of the country, the bold spirit of its late chief, and his connexion by marriage with the Rajah of Colapore.

(Signed) St. J. Thackeray.

H. D. ROBERTSON Esq. *to* Wm. CHAPLIN, Esq.

Dated the 1st May 1821.

Sir:

Mr. H. D. Robertson, 1 May 1820.

It has been my wish for a long time to condense the information I had collected into a report on the revenue management of our predecessors, but the little leisure which I have had at my command has hitherto prevented me from doing so; and even now I have to regret that my other avocations should have so much interrupted my researches, as to have obliged me to leave doubtful several interesting points. I beg you will not consider, that any conclusions I have drawn in the following paragraphs are offered under a belief, on my own part, that they are incontrovertible; but that you will deem them such only as, in my judgment, are well-founded, after an examination of the materials

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rials at my command. New and better information may induce me to alter many of my notions; but still I conceive it is a duty I owe to Government to delay no longer in submitting those which have already occurred to me. They may perhaps possess some value from the circumstance, that as I have not been taught in any of the revenue schools of India, they partake of no bias for any particular system of management; and, at the least, if they have no other value, they may point out the way for further inquiries, by Government starting doubts on any points that seem obscure, or worthy of greater elucidation. I have therefore the honour to solicit your indulgence in judging of the opinions I submit, and to assure you that I shall be more gratified by a convincing refutation of those that are erroneous, than by my being allowed to remain under the impression which any one who offers opinions at all generally acquires for (*Sic orig.*) his own sentiments, not only to the detriment of further unbiassed inquiry, but in such a case as the present, to the injury of the interests either of Government or its subjects.

2. The obscurity in which time involves the history of past ages, is perhaps in no portion of India greater than we find it in the country now distinguished by the name of the Deccan. The curiosity of knowing who went before us, the pleasure of associating the transactions of remote ages with the countries we inhabit, and with the mountains or plains whose picturesque appearance or whose fertility we daily contemplate, lead often to researches which, if they yield no greater benefit to mankind, tend at least to improve the mind, by enlarging the ideas.

3. Though it is granted that we may find treasures in the scientific works, it has not yet been admitted that we could discover any important lessons of Government from the study of the history of our Hindoo or Mahomedan predecessors; in fact, we find a melancholy blank in the details of the internal administration of those rulers. Foreign wars and internal seditions seem to be the most plentiful ingredients of the works of the historians of India. Sometimes the birth and death of a saint, and occasionally a wise or a bold saying, relieve the details of battles, enmities, and treacheries. The character of a general or an emperor is also occasionally sketched with impartiality; but most frequently the portraits are too flattering or too hideous; and to these sketches we have almost entirely to trust for our information of the practical internal government of Asia.

4. It is fair to believe that the Deccan, or that tract of country laying to the south of the Vindaya range of mountains, ranked upwards of three thousand years ago as a civilized nation; but as no exact notions can be gained from the writings and traditions of the Hindoos in regard to the state of society in remote ages, any speculations on them have little to recommend them beyond their ingenuity. I am, however, of the same opinion as those who conceive that the aborigines of India were Coolies, living in an uncivilized state approaching to barbarism, when Rama, the King of Oude, set himself to reduce the whole country to his power, and to civilize its inhabitants. Rawan, the King of Ceylon, and his brethren the kings of the countries south of the Vindaya range of mountains, were probably great Cooly Naicks, who with their subjects subsisted on their flocks, and on the produce of fields poorly cultivated.

5. Rawan, however, must have been a great man in his time, for it appears he is believed to have assigned this part of the country as an inheritance to his pipers. If this be true, they probably were its rulers when Seeta Rama's queen on their arrival at Punchowtee, on the opposite bank of the Godavery at Nassick, took a fancy to have the skin of an antelope which she saw grazing in the fields made into a cholee or covering for her neck. The dire consequences which ensued from her husband setting off over the country to kill the antelope are well known; but we cannot but admire the politeness and conjugal affection of the times, and of so great a king as Rama, in endeavouring to satisfy his wife's odd longing. Rama is said to have conquered the countries all around him, and probably the first introduction of the Hindoo laws and faith to the southward of the Nerbudda was made by him. He probably had a fellow-feeling for the Coolies, as Walmeek, the prophetic writer of the Ramayan, was, before he changed his predatory habits and became a Rishe, a notorious highway robber. I have not discovered, however, that there

there was any spiritual Cooley, or any learned Hindoo, who, marrying himself to a Cooley maiden, produced a second Veyas in the Deccan; but it is probable that the same means which were devised to instruct the Hindostan robbers were practised here, and that in the course of time civilization began to gain ground, and the country to become well-peopled and rich.

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6. The religion introduced was no doubt the religion of the Vedas, a pure deism, which inculcates the equality of souls in the estimation of the deity, and that the sun is the emblem of his Majesty. In the course of time there arose schismatics, who contended for the doctrines of immaterialism, the existence of nothing but the soul, and the determination of creation (though they admitted there was a God) by chance.

7. These sectaries probably carried every thing before them, and maintained their superiority for a long period. From the confusion and discomfiture of the believers in the orthodox doctrines of what we may in these days call Hindooism, the original faith was probably greatly adulterated, and in many places totally suppressed, and the knowledge of it lost; but those sparks which remained alive burst forth with all the destructiveness of religious zeal when a fit opportunity offered, and at length the Hindoos triumphed over their adversaries the Baudhists, and re-established worship, differing from their original faith in many particulars, and perhaps in none more than in the introduction of the worship of images. It is probable, however, that till about A.D. 30, they retained the practice of shedding the blood of the cow on their marriage ceremonies, of eating flesh (not beef) on their shrouds, and of a brother sleeping with his brother's wife, if she produced no children from her intercourse with her husband.* The Hindoo zealots who triumphed over their adversaries, no doubt used every argument they could think of to prove the existence and duration of matter, and in the heat of doing so probably gave birth to many of those foolish ceremonies and ablutions which evince their belief, not only in the existence of matter, but in the possibility of defiling the soul through impure material contact. From the same cause particular places became sanctified; a residence at some, and a sight of others, were declared sufficient to cleanse away sins, or to enable the devotee to reach even to Heaven; and thus the original Hindoo faith became, in the eagerness of its votaries to subvert the Immaterialists, a religion of the utmost absurdity, in which matter was mixed up with mind in all shapes and situations. To this zeal for marking distinctly their difference of opinion, is also probably to be attributed the invention of Metemsychosis and the doctrine of Gnan (perfect knowledge or omniscience), by which it is believed that none who are not so sufficiently holy in this life as to attain the last gradationary class of Asherums, and by performing strictly the duties of a Sunyeassee, to acquire omniscience, can arrive in Mookht, but that they will continue to be re-embodied successively until the consummation supervenes.

8. After the conquest over the Baudhists, the literati were probably engaged in giving a finishing shape and consistence to their tenets, and in writing books to prove the reverse of the doctrine of their opponents. They stated in their books that the divine essence could assume any form, and accordingly it was made to do so. The sun and moon also were made to be the progenitors of a long race of kings. The sun was, in consideration of its natural effects, incorporated with Vishnoo, the preserving power. The moon, on the same principle perhaps, was identified with Mahadeo or Seeva; the destructive energy and bountiful Alma Mater corresponded with Brimha, the Creator. A great reformer appeared about the commencement of the Christian era, who abolished the fourth stage of perfection in this life, on the principle that as wickedness would be paramount in this young, no one could ever expect to become so much devoted to abstruse contemplation as to acquire Gnan, and subsequently immortality. He also abolished sacrifices to the sun and fire; but he rescinded these reforms (probably he was obliged to do so, from opposition), from the conviction that, if they were made, the Hindoo religion would have speedily been annihilated.

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* I am inclined to look on the Jains, if not as more moderate reformers, at least as preserving in ancient times, more nearly than any other Hindoo reformers, the real tenets of the original Hindoo faith.

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9. I have to solicit your pardon for this digression from the object of this report. I entered on it with a view of commenting on the probable high degree of civilization to which the inhabitants of these regions had attained upwards of three thousand years ago. Metaphysical writings are not the works of barbarians, however erroneous may be the opinions they inculcate.

10. The King of Oojein probably held under his sway the countries south of the Nerbudda, until Salivahan established himself in independence and fixed the northern boundary of his kingdom along the line of that river.

11. There appears to be no reason to believe that, from the beginning of the Christian era to the present time, the Hindoo religion has ever been much encroached on. Many sects and schismatics have appeared, and the Mahomedans and Portuguese tried hard to convert its followers and suppress the religion: but it kept its ground, and perhaps did so the better from those occasional oppositions which could not eradicate it.

12. In this part of the country a sect called the Jungums gained considerable power in the eleventh century. These trample on, though they worship, the lingum, and deem the periodical uncleanness of women purified after the first day by rubbing them over with ashes. I have not ascertained how long, or to what extent their power spread itself, and cannot therefore well speculate on the effects it might have had on the constituted laws of the people; but it is reasonable to infer that it produced some change, and that that change left an impression for a time.

13. But as we must infer from the booty which the Patan kings of Delhi acquired in Dowlutabad,* and which their rebellious servants who established the kingdom of Koolberga found in Beeganuggur and Telengauny, that the countries ruled in the thirteenth century by Hindoo Rajas were in a highly flourishing condition. We may perhaps be justified in concluding, that if there ever was a great change in the habits or laws of the mass of the people, it was lasting, and that its effects soon became obliterated by the revival of former usages.

14. There are authenticated traces of the existence of Lingayets in considerable numbers in this part of the country. The people of that tract of our new territories which lies from the top of the Syadree range inland from twenty to twenty-five miles, and which is in different places of the range termed Mora and Mawul, were cultivators and herdsman by turns. The people of this tract appear to have resisted (if I may so use the term) any attempts to civilize them, and to have preserved under the Mahomedan kings of Deccan a barbarous independence. They were partly cultivators, in the same way as we now see in some of the divisions of that tract a single community of cowherds quite distinct from the inhabitants of villages, who have a gowra as their chief to lead them to the pasture grounds, and to their labours as agriculturalists. I find the head-men of such communities in these districts were chiefly Lingayets, and that to every valley, or to every two or three vallies, there was a chief, who probably settled in the gross for the revenues of his districts, as there is mention made of one Beyapa Jungaum, of Pown Mawul, having lost his inheritance and power for not remitting his revenue to the Nizam's Government with due precision.

15. We may conclude that as Sewajee displaced many of these Jungum rulers in the tract I have mentioned, in his time, the ancient usages, either in religion or laws, were not so general as they afterwards became in the Deccan, before the government of the Hindoo Rajas of Deoghur, Telunguna, &c. were usurped by the Delhi Pattans. These conquerors were probably too much interested in their pecuniary concerns to give much attention to their own or the religion of others. Their political existence depended for some years on their exclusive

* There is a tradition that Deoghur, or Dowlatabad, was built in 1203 A.D., by a dhungur, or herdsman, who, acquiring by some unusual good fortune vast wealth, was named by his brother shepherds Rajah Ram, and soon after assumed the rank of a Rajah. Hemar Punt is said to have brought Peesackieep, the present Moochavacta, from Lunka, in 1253 A.D.; Hemar Punt became the minister of a Rajah Ram of Deoghur. Peesackleep means the writing of raschas, or demons, probably from its being the writing of Rawan's countrymen. There is a Josee in Waee, who possesses some old deed, I understand, dated about A.D. 1263, written half in Babbud and half in Mahratta, signed "H. D. R."

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exclusive attention to the improvement of their resources; and we do not read of their zeal for their own religion having greatly evinced itself till after the government of Koolberga was fairly fixed.

16. The ancient seat of government of the country, of which this collectorship formed a part, has never for the last 2,000 years been far removed for a very long period from the Godavery. It was puttun eighteen centuries ago at Deoghur or Dowlatabad. Twelve centuries afterwards, in A.D. 1500, it was at Ahmednuggur; and during Aurungzebe's time at Aurungabad. Deoghur or Dowlutabad was the stepping-stone (Ahmednuggur was not then in existence) by which the confederated Puttun rebels were enabled, in A.D. 1347, to fix the seat of their government at Koolberga. It was deemed in those days a place of great strength, and it still retains its celebrity.

17. It might be interesting to trace the exact limits held at different periods by the various rulers of that portion of country now included in the Sattara principality and the Ahmednuggur and Poona collectorships, and to inquire into the partial changes introduced into particular districts by particular men; but this would occupy too much of my time at present, for it would necessarily embrace a study of the history and wars of all the Mahomedan kings of the Deccan, and of the usurpations of many of their Turrufdars and Jagheerdars. I shall therefore enter on a consideration of those times which more particularly relate to the object of this letter, from their having been marked by distinguished men, whose wisdom in revenue administration, though not now operative, is still a theme of conversation with the mass of the people. Before I do so, however, it may not be amiss to give a general outline of this collectorship at the present time.

18. The district under my superintendance is bounded on the west by the summits of the Syadaree range of mountains, and by the jagheer of the Punt Suchen and the river Neera on the south. From the north-western point it runs south-east along a range of hills, a few miles north of and parallel to the river Gara, until that river is joined by the Neera. From thence the bounds of the turruf of Pabood form its limits as far as the river Rema, the course of which river marks its remaining boundary to the north and to the east. It extends from forty-five to fifty miles along the western Ghauts, is sixty-five miles broad in the centre, and about forty just before it diminishes into a strip of about twelve miles; its greatest length from east to west is ninety-five miles, and its medium length, exclusive of the strip at the eastern extremity, is sixty-eight miles.

19. The general face of the country is mountainous and irregular. The mountains near the Ghauts are covered with wood and shrubbery, and those inland are bare, apparently in proportion to their distance from the great range. The country is intersected by many rivers and streams which take their rise in the vicinity of the Ghauts, and which, bounded by inferior ranges of hills, run to the eastward and southward. The vallies through which they bend their course are fertile, and with some exceptions well-peopled. But they are productive more from the excellence of the soil, by which they seem to have been enriched at the expense of the mountains, than from any unusual labour of the husbandman or the existence of means of irrigation. These vallies, where narrow and bounded by mountains or high hills, are termed Khorey and Neher, and are most frequently distinguished by the names of the rivers which pass through them, Moota Khorey, the valley of the river Moota, Baun Neher and Bheem Neher, the vallies of the Baun and the Bheema rivers. The names of the principal rivers are the Bheema, the Gora, the Baum, the Moota; the Moota, the Pawna, the Indooranee, the Under, the Moota Moolla, the Kurrah and the Neera. They are by no means plentifully stocked with fish, and the kinds which are found are few of them good. On the mountains near the Ghauts are found royal tigers, besides the other less ferocious beasts which are met with in the interior: cheetas, panthers, hyenas, wolves, hogs, &c. The products of the mountains are few; teak and poon trees are to be found, but not in any quantity, and of no great magnitude. Plantains grow spontaneously on some of the mountains. The grass which grows on the western hills is good for horned cattle, and not for sheep or horses; but the reverse is the case where the deep narrow vallies near the

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Ghauts widen into plains along the banks of the rivers. The grass on the skirts of the hills forty miles inland is excellent both for sheep and horses.

20. The climate is invigorating and good, in comparison of other parts of India: the air is lighter, the cold more bracing, and the heat less oppressive; it is therefore a country better adapted for Europeans than many other countries of India. The diseases incidental to it are fever, ague, and diseases of the liver and bowels, and violent colds and catarrhs. The thermometer sometimes varies from twenty to thirty degrees in the course of the day and night, and at the breaking up of the rains there is a succession of cool breezes and hot sunshine, which cannot fail to be injurious to those who are obliged to suffer from exposure the full force and rapidity of the changes. It is at this period that all those complaints symptomatic of a deranged state of the liver are most prevalent. The languor which in almost every season of the year is found in most parts of India, is hardly ever experienced here even in the hottest weather: this probably arises from the perspiratory ducts having less duty to perform, and from the greater substantial vigour left in the constitution to resist the effects of heat.

21. The periodical rains are the same as those which prevail along the western coast of the peninsula: a few showers of the monsoon of the other coast, however, reach us here, and are calculated on by the cultivators in November, to bring forward their crops. From the Ghauts inwards fifty miles there is generally a sufficiency of rain, but beyond that distance there is usually only a scanty supply; and in the easternmost districts of Soopa and Patus there is frequently a great scarcity. This is probably to be accounted for on the grounds that the mountains of the western parts attracting the clouds, the plains not far removed from them do not receive their due proportion of rain. The prevailing nature of the climate is affected in some measure by these different proportions of the supply of rain, or more probably by the same cause which occasions this difference, the greater elevation of the country. From the Ghauts eastward thirty, and in some places forty miles, it is colder than farther inland, nearly all the year round; and the districts included within that range are designated Mawul or Mora, words signifying damp, wet, foggy. They are reckoned by the natives uncomfortable districts to live in on account of their chilliness. It was from them that Sewajee drew the flower of his soldiers, who were foremost in all services of danger and difficulty. Eastward of this tract the country is distinguished by the name of Desh, which is a word used for any country generally, but which here is applied in particular to the country inland from the Mawuls.

22. The people of the Desh are more able-bodied and better-looking than the Mawullees The difference is said to arise from the more heating and more nourishing quality of the grain raised in their fields, and on which they subsist. Their chief food is that produced on their own fields, which consists in the mewals of rice, raghee, and savey, and further inland, of bajerry and joarry. Wheat is seldom eaten by them; and what their fields produce of this latter grain is usually sold in Poona, or the kusba or market-town nearest to their village. The difference in the condition of the mountaineers is also to be remarked in their nakedness. The Koonbees around Poona have generally a very good pair of cotton breeches: but those of the Mawuls have only a small piece of cloth to cover what it would be indecent to disclose. They all carry cumleys over their shoulders. The Mawullees are noted by Brahmins and polite natives for their clownish and awkward behaviour when called before their superiors, and for their inaptitude in comprehending any message or direction: but from what I have observed of them, they are as little deserving of being thought stupid as the more courtly inhabitants of the Desh, if we take into consideration the fewer opportunities they have had of seeing polite company. Excepting these points of difference, the mass of the Koonbee population of my district is the same in all respects. The Desh Koonbees, it is true, affect to look upon the Mawullees as inferior to themselves, and assume that they, and those only of the Mawul families which have Rao to their names, are entitled to be called Mahrattas, and that all other Mawullees are below them. This attempt at consequence is, however, not admitted by the Mawullees, who boast of more Raos (titled families) created

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by Sewajee Rajah from among the members of their clans, than the Desh Koonbees can pretend to. The Koonbees of the whole district have almost invariably two surnames. That of their clan or family is not that which they use, and those of the same family surname have, in many cases, not all the same surnames in common use. This additional surname seems to have been conferred on them by their associates in consequence of some remarkable feature in the character, or strangeness in the habits or person of him who first acquired it: thus Jadoo, means the runner; Charga, the thievish; Sawunt, the courageous; Shetgu, the filthy; Gursey, the cat-eyed; Gurawrey, the assinical; Seloney, the fœtid; Toopey, the greasy; Barka, bald-head; Dhawury, left-handed; Dulvee, the grinder, &c.

23. Those families which from common Koonbees arose to power and wealth, having endeavoured to make distinction of caste between themselves and the caste from which they drew their origin, established particular usages, which some of their descendants, when reduced to poverty, have found to be very irksome. Thus the wife of a proud man who calls himself Mahratta, and twists his whiskers in sovereign contempt of the whole world, is never allowed to be seen by vulgar eyes; when she goes out she wears a veil, and when at home she sits as a queen, exempt from the duty of cooking, or any other domestic office which a reasonable Koonbee or Brahmin imposes on his less pampered mate. There are various other distinctions and customs, invented from vanity, which Mahrattas who have arrived at power have adopted, and which it is not necessary to mention here.

24. The Koonbee eats fish, fowl, mutton, wild hog, and probably all kinds of animals fit for the use of man, excepting kine; he considers himself feasted when he can partake of a goat or sheep, or wild hog. Koonbees have no expedient, however, for taking hogs, and it is remarkable that though very fond of eating them, they never almost attempt to destroy them unless they be supported or inspirited by a party of English, a native gentleman, or of the inland carriers called Lummans, who will sometimes for the sake of a hunt go several miles out of their road. They drink spirituous liquors, but they have no excessive partiality for them, probably from their being unable to procure and accustom themselves to their use. They also smoke little, and take few or no intoxicating drugs: the use of opium is hardly known to them.

25. There is no city excepting Poona in the whole district; but there are several very respectable kusba towns, which carry on an inland trade that will be hereafter noticed. The principal articles of manufacture are corse woollen and cotton cloths, and in Poona there are silk-weavers' looms, which vie with the manufactories of Peitun in producing silken surhees and dresses ornamented with gold tissue. The principal kusbas and other towns are Khair, Chacun, Sassore, Paubool, Jejooree, Powar, the two Tulligaums, Gera, Nowlcombery, and Kendoor. The houses of these towns are comfortable buildings of stone and mud, covered with tiles, some of them two stories in height. They are inhabited by traders and bankers, and Brahmins both of the Desh and of the Concan. When I come to speak of the taxes on the inhabitants of towns I shall furnish a more detailed description of the people.

26. The most remarkable hills in the country are rendered more so either by a fort or a place of worship dedicated to some favourite god, either of the Brahmins or of the Koonbees. The names of the forts on hills are Logur, Issapore, Kooaree, Ghungur, Singhur, Poorunder, and Wyregur. The hill-forts of Toong, Ticona, Rajgur, and Torna, which belong to the Punt Suchen, border on the southern boundary of the collectorship, and indeed the two former may be said to be in it, standing, as they do, in a neck of his territory, which juts from the southern line nearly up to Logur. Those hills which are sanctified by the presence of a god are more numerous. The most famous of them is that where the river Bheema takes its rise, and which is supposed to be the holy place where one of the Jotee lings of the original Mahadean lingum fell on being broken into twelve pieces. The faith of many pious men was much shaken, some years ago, by the small stone which was the object of their worship having moved, under the hands of the priest one day who officiated in anointing and keeping it gratified by the most orthodox attentions and services; but the ready ingenuity and the easy credulity of this absurd

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people, soon taught them to invent and to believe that the real Jotee lingum was invisible and enclosed within the rock, and that this moveable, and therefore, as they suppose, false lingum, was placed there by the Mahomedans, some centuries ago, to deceive those who were not fully read in the mysteries of the religion. The caves of Carli are known to Europeans, and have acquired a fame for the elegance and immensity of the design of the Baudh temple which forms the principal cave. They are situated, not on the summit, but about half way up a hill, and are disgraced by a paltry Hindoo building and a set of filthy Hindoos, who there perform the religious service of a Hindoo deity. There are many others of lesser note.

27. The height of the mountains of the Syadaree range is probably not less than 2,800 feet above the level of the sea; while here and there mountains are piled upon them, whose summits may not be less than 700 feet higher. The ranges of the hills which form the vallies from the Ghauts inland vary in length from 500 to 700 feet. The hill-forts of Logur, Issapore, Kooaree, Singhur, and Poorunder, are probably the lowest of them not less than 4,000 feet above the sea.

28. There are many places of pilgrimage and devotion: Beemashunkur, Enkveerah, Devi (at the caves of Carli), Alindee Jejaoree, Moreshwur, &c. The names of the gods worshipped by the Brahmins are Soorya, Narayan, Vishnoo, Samb, Shucktee, Gunputtey, Ramkrishen, Pandoorung, Moonjya, Nursingh, Vencutesh, Curtikswamey, Pureshram, Brimha, Deh Assht Vessu, Marootee, Luxmee, Narrayn Sheshashaee, Nowgra. It would be superfluous here to say any thing regarding their mode of worship, being already so well known from the dissertations of learned men, and varing very little from the practices of Brahmins in either quarters. Like all other Brahmins they venerate the sun, the moon, Vishnoo, Mahadeo, and the Devi, as most genuine gods and goddesses, and worship them in the particular unshapen stones and substances consecrated to each. Thus a black stone found in the river Gunda, near Budreekedar, is the emblem of Vishnoo. A grey one, from the Nerbudda, is sacred to Mahadeo. A piece of common glass, which by concentrating the sun's rays burns cow-dung, is holy to the sun, and is called Surayakund. A substance (said to be a stone) which melts into water from the force of moon-beams, is dedicated to the Moon, and called Somkund, and the Devi is best personified by a mineral found in the beds of rivers. These five genuine deities have innumerable sons and daughters; or more properly speaking, they are worshipped under different attributes worked up into various shapes.

29. The names and attributes of some of the greatest gods of the Koonbees are as follows:

30. Mussooba, or Muskooba, is merely a stone with shindoor (or red-dust) on it. He may be called the god of revenge. Offerings are made to him by those who wish the injury of others. He is a terrific power, which, when a man knows his enemy has propitiated, he generally makes such a retribution as prevents the necessity of the god exerting his power in favour of his votary. There is no particular place for Mussooba's residence: he is sometimes in towns, and in fields under trees. All the Mussoobas in this collectorship are said to be of an old standing; they are not created at the pleasure of any one, but when several people of the village suffer injuries in an unaccountable way, the village Deo is interrogated, and he generally points out that there is a Mussooba in some particular spot who must be propitiated.

31. Vital is the god of demons and evil spirits: he is seen in the shape of a stone standing erect with little single stones all round him, and is worshipped when any one is supposed to be possessed with a devil; and also once a year at the full moon in Magh by all the villagers, who each take a lighted bundle of straw, and walk round him howling and bawling, and making a hideous din: he is always at least a quarter of a mile from habitations.

32. Bharoo may be said to be the universal village god of the collectorship. He is represented standing with two hands with a trident in the left, and a drour or drum, such as leaders of apes have, in the right: he is encircled by a serpent. When thus represented he is called Kal Beirou, and he is anointed

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with aibance in fifteen days; when he is represented by a plain stone he is called Bal Beirou, and is covered with shandoor mixed with oil. Bheirow is a good god: he cures the bites of snakes when proper offerings of ghee, &c. are made to him; he resolves the hopes and fears of individuals, and is in all respects an oracle to the village. When any one is desirous of knowing whether any thing he is about to undertake will turn out to his wishes, he sticks two unbroken soparee-nuts on each breast of the image, and tells it, if his wish is to be accomplished, that the right or the left soparee-nut (just as he thinks either most likely) is to be allowed to fall first. Bheirow also is occasionally promised a cock or a goat, if he causes success in an undertaking.

33. Marootee is the famous Hunooman, or monkey-god. No village is without his image: he is a good god, and only takes cocoa-nuts from his worshippers. He is sometimes in the town or village, and sometimes out of it; he is most famous for assisting in frightening away devils from those into whom they may have entered.

34. Bhowanny (called also Fringaee and Tookaee) disputes the honour occasionally of village Dev with Bheiro, and that too where both of them are in the same village: she is also oracular. Fowls and goats are offered to her, and she has twice a year, the same as Bheiro, a procession of the whole village to worship her, once at the sowing and once at the reaping season. She is personified with a sword in her right hand. Sometimes she has eight hands, with many of the symbols of Vishnu, the shunck, chucker, &c.

35. Beerooba is worshipped by dhungers or shepherds: he is kept outside of villages, and is an evil god, who, like Mussooba, is supplicated by persons seeking revenge.

36. Khundooba is the tutelary god of this country: he is usually represented on horseback with a sword in his right hand, and Mulsabhyee, his wife, sitting before him. He is represented at Jejoorg, however, by a lingum. He seems to be the It Shu Dev of the whole Deccan, from the Brahmins of the Desh down to the lowest castes: for whatever other household gods there may be, he is always the principal. By worshipping him, sickness is cured and wishes gained. His image is always made of metal, never of wood or stone. He is held in particular estimation by the Ramoossees, who if they swear by placing their hands on saffron (the particular dye stuff consecrated to Khundooba) that they will not rob, they never violate their oaths. There are very few images for the public worship of this god, and when he is made seated on horseback, he is so, according to the accounts of his incarnation in the Mulharee Mahatima, when he came to kill Muneemut the demon.

37. Sutwaee is the goddess of pregnant women. She is worshipped by barren women, and by those who have been brought to bed on the fifth or sixth day after their accouchement. She is represented by a bust without arms.

38. Junaee, Jakaee, Jokaee, Nowlaee, Mookaee, Kalcaee, Metisaee are the same Devi as Bhowanny, but they are very terrific personifications of that goddess, and do a great deal of mischief. They have all devilish qualities, and assist evil-disposed persons to wreak their wrath on their neighbours. They also amuse themselves in molesting mortals by destroying their fields of grain, by causing them to fall sick, and sometimes an unfortunate wight is caught by one of them when on a journey, and never more heard of. They are aided by two attendant gods, called Naikjee and Beirjee, who have as little heavenly compassion on them as their mistresses.

39. Waugoba is a stone set up as a god to prevent tigers from carrying off the village cattle, &c.

40. The country is divided into mozehs, with and without dependent villages and hamlets. Forty to ninety mozehs form a turruf sunt or mehaul. The largest mozeh of each turruf is called kusba, and is the market-town of the division. Five to eight turrufs compose a soobah, pranth, or desh. But the latter term is sometimes applied to a single pergunnah.

41. The bounds of a village are either the banks of a river, the tops of mountains or hills, or where there are no such natural divisions, a line of loose stones,

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stones, whose removal in many places has perpetuated quarrels for the last hundred years. Although all land is referable to some village, barren mountains and impervious jungles are not included in the village accounts of measurements. The waste land deducted in village accounts is only such barren spots as are included within the outline of arable land.

42. The boundary line of a turruf is formed by the exterior bounds of its border villages, for I conceive that the smaller division of village bounds must have preceded the greater ones of turrufs. It therefore partakes as much as possible of natural divisions, and it is remarkable how very frequently and with how much judgment, bounds of turrufs have been fixed by those who first made these divisions. They are, with very few exceptions, found to run along the tops of mountains exactly at the point where the rain runs down both sides of the mountain, or to follow the course of rivers and small streams. The first-mentioned boundary line is termed panlote, which signifies the falling of water.

43. The divisions of soobah, pranth, &c. seem to be a certain number of turrufs marked off for the convenience of managing them. Several of them formed a circar: but the use of this latter term does not appear to have been frequent in late times.

44. Villages are sometimes found distinct from any turruf, but they are usually attached to a turruf, and called phootgaons of that turruf. Probably they may have originally belonged to a turruf, as phootgaon seems to signify dismembered villages. Although villages are found in this state in regard to turrufs, land is never found but attached to some village. The mountain of Singhur is perhaps the only exception to this fact in the collectorship, and it has become separate Government property from its top to its base, in consequence of the interminable disputes of the villages surrounding it about the portions belonging to each.

45. The villages in the collectorship are for the most part open. Some of them, however, have good walls of mud, and of mud and loose stones; others offer a good defence against robbers and horse by having the sides and gable ends of the houses in the outer parts of the village connected to each other.

46. The houses are of mud and stones, and in the desh have mud roofs, on which grass grows in the rains on tiles. In the mehauls the habitations are not so roomy, and are covered with thatch; which latter is on every account better adapted to the purpose of keeping out the heavy rains experienced in these turrufs, than badly burnt tiles of flat mud roofs.

47. The hereditary village servants are, on the part of Government, the Potail, the Koolkurnee, the Chowgulla, and for the use of the village community the Burra Ballootees. The officers of turrufs and of soobahs are the Daismook, the Daispandee, and in some turrufs there is a Dessaye besides the Daismook. In cities and towns are the Shetsees and Koolkurnees of divisions. I shall now revert to ancient times, and to the revenue settlements of our predecessors.

48. On the fall of Ahmednuggur to the Moguls in 1598, the Nizam's territory was divided between Mullik Umber, an Abyssinian slave who had risen to great influence, and a Hindoo chief. The former possessed the countries stretching from Telingana to within a few miles of Ahmednuggur, and also of Dowlatabad. The latter held from that fortress northward to Guzerat and southward to within twelve miles of Ahmednuggur; but he was dispossessed in 1603 by Mullik Umber, who established his power over the greatest portion of the ancient possessions of the Nizam's Government. Mullik Umber was as great a warrior as a statesman, and successfully opposed the Moguls during the whole of Jehangeer's reign, and prevented them from recapturing the eastern districts, which he had recovered on the death of Akbar in 1605. His name is preserved in this part of the Deccan as the benefactor of the people of his time, while his wisdom is the theme of the legends of the country. He is said to have fixed the rent of land, to have established the Bullootees, and to have benefited the country by other wise regulations. In a Mahratta legend which narrates events that occurred about the year 1618, he is stated to have doubled the revenues of Government at the same time that

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he improved the condition of the people. His country became so flourishing that we are not surprised to find him described to be the soul by which the princes of the Deccan were kept together, to oppose the invasion of the Imperialists in 1616; nor that when he was deserted by his confederates he stood out alone, and preserved, in a great battle near Asseerghur, in which he himself was wounded, the independence of the Deccan. On his return to Dowlatabad after his victory he struck a gold coin with this inscription: "Barayab Derah uganee Mullik Umber Chingeez Khunee," signifying "Mullik Umber Chingeez Khanee, the favourite of heaven."

49. The Deccan princes, inspirited by his conduct, again leagued in 1619 and overrun Candeish, which had been completely subdued by Akbar; but they retired before the imperial armies to their own countries, and did not establish their authority. Mullik Umber had ample leisure, therefore, to make that revenue settlement which he effected in the greatest portion of his territories between the years 1605 and 1626, when he died, in the month of May, at the advanced age of eighty years.

50. The name of Toodur Mull is known to every one who is at all read in the financial history of India. He was the author of a system of taxation on the land which has preserved his fame, and added to that of the great Emperor Akbar. The conquests made by that prince in the south of India brought under his rule so vast a population of Hindoos, that it became as much a consideration of policy, as we may from the character of Akbar conceive it to have been one of inclination, to pursue such a mode of administration as would conciliate the affections of his people, and secure by means of promoting their happiness and comfort their permanent subjection to his throne. His innovations always had in view the good of the people, as well as the advantage of the state; and we are justified in supposing Toodur Mull's plan must have embraced both these objects, otherwise that it would not have been adopted by Akbar.

51. Mr. J. Grant, in his sketch of the Northern Circars, states that the ultimate point of perfection aimed at in the revenue department by Toodur Mull, was to form a rent-roll on the actual measurement of the lands of exactly one-fourth of their full annual produce, shared with the husbandman, to be paid into the royal treasury in specie, according to the number of beegahs or extent of ground in cultivation, distributed into four classes, expressive of the nature of the soil, and to be invariably rated by a medium then struck of the real value of the several productions throughout the year, as ascertained on the spot. This was called the jummabundy nekudy, or money settlement, and the farms so rented were denomined rukba.

52. The aim of Akbar's financier seems to have been to frame a system of assessment which should make it the interest of cultivators not to throw up their slight .... grounds of dissatisfaction, and thereby to ensure to the treasury a more constant source of supply, while the condition of the people who yielded it should be improved, and their attachment to the Government secured.

53. Mullik Umber, as he flourished immediately after the adoption of Toodur Mull's plan in the rich countries of Guzerat, Bengal, &c., probably received the first hint of his system from that of Toodur Mull's. The ground-work of both systems was a knowledge of the extent of land and of its produce, and the greatest advantages, which both these statesmen produced, or calculated on producing, was evidently to render permanently nugatory the loss to which Government probably had before been frequently liable from the fluctuating occupancy of land by yearly lessees, and from the frequent ruin of hereditary occupants, (if any such existed) by the imposition of a variable taxation.

54. Such a plan was consistent with natural and general principles. Land is valuable to its owner in proportion to the labour he can himself, or can induce others on his account, to bestow on it, for it yields few productions without labour. That prince (or rather proprietor), therefore, whose country was better peopled than the country of his neighbours, would be richer than they. Riches give power (especially to sovereigns); and a wise prince who was, or

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considered himself to be the proprietor of the soil of his kingdom, would readily perceive that his ambition would be best gratified by an indulgent consideration towards (even if he did not share his right of proprietorship) those who laboured on it. To gain a permanent annual supply of money, though less in any one year than oppressive conduct might have produced, was evidently the interest of an established prince (or proprietor). In being moderate the object of the proprietor was gained, and the interests of the cultivators protected. In being rapacious for the present, the object was gained at the expense of the comforts and the prosperity of the people, and with the sacrifice of future supplies and popularity.

55. The proprietor, by ill-judged exactions, risked even more, and this risk was not chimerical. In the Deccan, at least in Mullik Umber's time, where the attempts of the Moguls at universal dominion were opposed by all the riches and power of neighbouring potentates, he risked the loss of tenants, and even of his hereditary occupants altogether, who might depart and reside in the domains of another proprietor, perhaps a near neighbour, and a rival for power: an arrangement by which the proprietor should have the constant occupancy of his land was therefore a natural expedient for a politic ruler to embrace.

56. So far as regarded the prince, the plans of Toodur Mull and Mullik Umber placed him in a better condition than he was before; and so far as regarded the cultivators, whatever might have been the advantages, through their own deceit, or the disadvantages through the oppression of their rulers, of their former condition, the introduction of the new system rendered their condition comparatively excellent, by fixing a moderate limit to demand. The only essential difference between the systems was, that Mullik Umber's limit, after being ascertained in kind, was once for all fixed in money, whereas Toodur Mull's was fixed annually according to the quantity of produce of the year.

57. The attachment to particular spots was enhanced or created by these systems. He who before had no particular inducement to remain in one place, now sat down contented with his lot, and pleased with his rulers. He enjoyed the gratifying certainty of consigning to his offspring the fields on which he had laboured and they had played; and perhaps he indulged the harmless vanity of his name being handed down with that of his field, and of his peculiar habits and character being recorded by his descendants to the sixth or seventh generation.

58. This charm for remaining and becoming an hereditary possessor of land was, if not produced, at least supported by the positive advantages which attached to his condition. The land, even admitting that it was not actually his own, was still a species of property of which he could not be deprived so long as he or his sons should retain the use of their bodily powers. It was hardly possible for him to fail of gaining a livelihood. He found himself independent of the smiles and caprices of fortune, and the feeling of his independence and excellence of condition must have increased his desire to remain in circumstances so enviable. He would be careful not to fail in his engagements to Government, and common foresight would point out to him the necessity of having such an overplus as would subsist himself and his family for the year. The changes of ministry, and even of Government, gave him little or no concern; these advantages were, and continue to be, far from chimerical in a country which had long been subject to constant revolutions, and to suffer by tyranny and oppression.

59. The feeling which would operate in one man, and induce him to be proud of his land, of his village, and his family, would soon spread to others, and make all desirous of gaining a similar advantage; it would even arrive at, and be respected by succeeding generations by the Sovereign himself. He who considers himself entitled to respect, and who finds it yielded by his equals, generally inspires even his superiors with a sentiment of the same kind towards him. A prince would venerate a man whose ancestors one or two hundred years ago had ploughed the same field as he then occupied; and would regret the ejectment of such a person from his land if he failed in one, or even for several

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several years to perform the engagements by which his ancestors acquired their proprietary right.

60. Thus there exists a feeling in favour of Meerassadars, which though it has not existinguished the knowledge, has frequently arrested the exercise of right. There is not a Meerassadar in the country at the present day who would dispute the title of Government to take his lands from him on failing in his engagements to pay the rent; but he would feel deeply mortified if the Government should, under a very long period (at least one generation), allow or order the Potail to assign away his land in meerass to any other person. In fact, no Potail will, without a positive order, constitute Meerassadars to lands formerly held as meerass by a family extinct for many years. But this aversion on the part of the Potails is cherished by their own self-interest, which I shall hereafter shew to be quite at variance in these times with the meerass system.

61. It may easily be conceived, that the same causes which operated with Mullik Umber or any sovereign, in inducing him to confirm to old occupants, and to resign to new the hereditary possession of the lands of his dominions, were calculated to bring to view the propriety of permitting the transfer or sale of such rights to others. Though transfer always appears to have been made with the knowledge and approval of the Government, or its authorized village servants, yet the intimation to them of the transfer was not perhaps obligatory, and was only made in compliment; or more probably to prevent litigation or dispute about the sale, by acquiring the evidence of a public functionary to its enactment. I have remarked, that the enjoyment of meerass rights was probably exceedingly sought after; it is not to be supposed, therefore, that any one would willingly part with them after he had once acquired them, excepting under circumstances of the greatest necessity; probably a total incapacity to pay the Government rent. That a purchaser should stand forth to acquire rights which were originally given for a small present, proves both that the Government rent was either fixed, or a certain assurance felt of its never becoming too exorbitant,* and that the title of Meerassadar was in great demand. If it was wise to give up land, so as to constitute it meerass, it was certainly politic to enhance the value of the arrangement by allowing land to become an object of competition; and by permitting those who had failed in their endeavours, to go off with some means of subsisting themselves, until they should arrive at another village or country, and enter anew the paths of labour in another capacity.

62. The agreement between Government and a Meerassadar, according to the notion now entertained regarding it, is, that the Meerassadar and his heirs shall hold, on the payment of his rent, the exclusive possession of a certain portion of land: that he shall pay this rent whether he cultivated the land or not, and whether the season be good or bad; and if he should fail in discharging it, that he shall give up the possession of the land thenceforward. Thus, in so far as regards the Government, the assignment of land in meerass is an act which places it totally beyond its control; unless indeed it should nullify the property, by exacting a rent not equitable, and which the Meerassadar could not withstand for many years without being ruined: and this power which Government considers, and Meerassadars concede to be its prerogative, is essentially the only bar perhaps to the Meerassadars of the present time, being considered proprietors in every sense of the word. If Toodur Mull and Mullik Umber fixed the rent, they evidently abolished this prerogative, and the Meerassadars of their time would be actual proprietors.

63. These interesting points require therefore to be discussed. Before entering on this part of the subject, however, it may be useful to run over hastily the political changes and geographical distribution of this country, about, and shortly after the time of Mullik Umber.

64. Mallojee and Wittojee Bhonsley, two Mahrattas of the village of Hingency Berdee, and Denulgaum Garra, in the Patus turruf of the Poona sooba, removed from that village to Eroub (Ellora), and after being occupied there in their

* A trifling acknowledgment to the Sovereign, and a small present to the Potails and district officers, is all that was taken. Little as this was, however, a strong argument perhaps could be raised on the fact to prove Meerassadars actual proprietors.

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their professional capacity of cultivators for two or three years, they entered in A.D. 1578 the service of Sookjee Jadoo Rao of Sindkera, a chief of note of the Nizam's Government. Mullojee had a son born to him in 1592, whom he called Shahajee.

65. Gaining here a military spirit, and becoming discontented with their immediate master for a breach of his word, in not marrying Jejee his daughter to Shahajee, the brothers in A.D. 1600 left Jadoo Rao's service, and appeared in A.D. 1604 as joint leaders with Jugapal Nimbalkur of a band which in an inroad to the very capital required justice from the Nizam's Government, by obliging Jadoo Rao to marry Jejee, his daughter, to Shahajee, son of Mullojee, her betrothed husband.

66. The Nizam forced Jadoo Rao to perform his engagement, and took Shahajee into his service. Afterwards he was advanced by Mullik Umber, in A.D. 1618, to the command of a body of horse, and received in jagheer for their support the district of Junoor, and the forts of Seoneer and Chacun. But Shahajee did not long enjoy in peace his good fortune: Mullik Umber died in 1626, and his son Futty Khan was unable to preserve the authority of his father. Mortiza Shah the second liberated himself from Futty Khan, and Shahajee, who supported the son of his benefactor, was driven to Mahowlee by Jadoo Rao, the chief agent on the part of the local authorities of the Dehli Government and of Nizam Shah in recovering his power. From Mahowly Shahajee fled to Beejapore, where he entered the service of the Government of Bejapore. His wife, then big with Sewajee, he left in Seanore (1549 Sickey A.D. 1627) and requested the attention of Jadoo Rao to his own daughter. But the faction in favour of the Nizam lost ground on the escape of Futteh Khan from Juneer, in January 1629; who having again gained possession of the Government and of the Nizam's person, under the pretence that he had been ordered to do so by the Nizam, put Jadoo Rao to death.

67. The final reduction of the Moguls of the Dowlatabad Government having been effected by Mohabit, the famous imperial general of Shah Jehan, in the month of June A.D. 1633, about two years after the famine and pestilence which raged and devastated the half of Asia, the victorious general is said to have settled the country he conquered. But the whole of the northern jagheer of Shahajee, held from the Bejapore Government as far as the Bheema, continued in his possession after the Mogul conquest of Dowlatabad.

68. This jagheer consisted of Chacun, Poona, Desh, Soopa, Barra Muttee, Indeepore, and the twelve mountain vallies called the Mawuls, which had been assigned to him immediately after these districts were permanently wrested from their dependance on Dowlatabad by Moorar Jugdoo, the Bejapore general. The jagheer was managed by Dadajee Konddeo, a man who is described to have been wonderful for his justice and prudence, but of a very severe disposition. Konddeo took great pains to improve the resources of the country; and if we may credit his historian, there were not twenty cubits of arable land lying uncultivated in the whole of his charge.* He had also the merit of confirming the new financial system of Mullik Umber, and probably of training that swarm of Mahratta Brahmins, mentioned by Colonel Wilks to have gone at the call of Shahajee into the Carnatic about the year 1640 or 1641, for the purpose of establishing a new system of revenue administration, which embraced the institution of the offices of Daismook, Daispandee, Koolkurnee, &c.

69. Dadajee Konddeo put an end to his existence when Sewajee, who with his mother had remained under his charge from the time when they were removed from Jooneer to Poona, had attained his sixteenth year in 1643, owing to the impossibility of restraining Sewajee from acts of violence and oppression to which Konddeo had a great aversion. Sewajee on this event possessed himself of the treasury of his father, dismissed from service Seedee Heckul Hubshee, a zealous officer in the interest of Konddeo, and levied new followers among the inhabitants of those mountainous districts of his jagheer skirting the

* In a Mahratta manuscript in my possession the Mawuls are described to have been in a miserable and depopulated condition. Konddeo offered rewards for killing wolves and clearing away the woods of these districts, and soon brought them into a comparatively excellent condition.

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the Concan. He also possessed himself by stratagem the hill-fort of Torna, which it appears was garrisoned by the King's troops and not under his orders, and erected the fort of Rujghur in its vicinity, where he made for himself a substantial house.

70. Sewajee's restless disposition was occupied in building forts, and reducing the country to the south and to the west of Poona, from the time of Konddeo's death in 1648 till 1652, when he treacherously murdered Abdool Khan, the King of Beejapore's general, and cut up his army at Purtaubghur. It would appear from the conversation which is narrated to have occurred on the meeting of Sewajee and Abdool Khan, that his conduct up to this period was only considered to be suspicious, and that though he had always evaded obeying the orders of his prince, he never till then actually shewed a direct contempt of them. After his act of open rebellion he did not remain inactive, but possessed himself of, and fortified the strong positions where Sattara and Chundun Wundun now stand, and thence proceeded to Pannela, the hill-fort of which Colapore is the city, and there appointed Jutoo Poligar Senaputtee and Sir Nobulee of his army, and Kanoo Mordeo Moozumbar of his affairs.

71. Sewajee was not permitted to occupy Pannela quietly. The King sent an army under Afzul Khan, son of Abdool, which commenced a regular siege; but it was conducted with little skill until batteries were erected on a neighbouring hill called Pawunghur, when the fort was rapidly breached, and Sewajee was requested by his best officers to save himself by flight. He accordingly sallied out with his garrison at midnight, and cutting his way through the King's army, arrived by daybreak within a few miles of Veesaghur, where, posting half his troops in a strong position, he directed them to dispute the passage of the road, and thus allow him time to retire and arrange for defending Veesaghur with the rest of his army. This covering party did its duty on the arrival of the enemy, and disputed the pass for an hour: but it then gave way, and was cut to pieces. This success, however, was not attended with the further discomfiture of Sewajee, who had effected his safe arrival in Veesaghur, for the King's troops found it impossible to act against him owing to the jungles that surrounded the fort, and from the scarcity both of water, provisions, and forage in its vicinity.

72. Sewajee, on the retreat of the enemy, paid his devotions to the Devi of Colapore, and thence proceeded to Poorunder, where he instituted those appointments which, on his assuming the character of a prince, were denominated the Asht Pradhans. The names of those who first filled these offices are recorded by the Mahrattas with scrupulous precision. This step towards a regular management of his conquest was probably indispensably required to secure himself on the ground he had attained; it tended perhaps to give consistence to his power, splendid hopes to his more powerful adherents, and to inspire his soldiers with respect to his person.

73. I think it very probable that Sewajee, on establishing his authority in the Concan and to the southward of Poona, kept up where before established, or introduced where not, the first step towards a fixed money rent of the new revenue system of Mullik Umber, which was the fixing a rent in kind, probably finding that its introduction was a ready means of becoming popular as well as rich. If, however, it was not generally adopted before 1652, it probably was so as soon after as Sewajee had leisure to give his attention to affairs of so much regularity.

74. The state of the country at this period, though not well defined in the accounts of Sewajee's rise, is nevertheless sufficiently so to let us be assured of the following fact: that the population at his command in his father's jagheer, when he commenced his career, was greater than that of the surrounding countries. When we take into consideration the dreadful famine of 1630-31, the prudent measures of Dadajee Konddeo after that famine in giving encouragement to cultivation, and in increasing by all means the prosperity of the districts committed to his charge, and also when we consider the well-stocked treasury which Sewajee acquired on Konddeo's death,—we may be satisfied also that Sewajee was a popular leader with the Marwullees and other troops of his own caste and religion.

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75. The independence of Sewajee on the Beejapore Government was rendered less dubious by the death of Mahomed Adel Shah in 1656, and the invasion of that kingdom by Shah Jehan immediately after that event. Ali the Vizier, protector of the infant prince, though repeatedly beaten by Meer Joomla and Aurungzebe, was not totally reduced; but the Government of Beejapore received a blow from which it never afterwards fairly recovered, and which led the way to its final subversion by the loss of its amassed treasures, and by the defections of Jagheerdars and chiefs, the main supporters of its crown. From 1656 to 1660 Sewajee was engaged in making partial incursions and conquests, probably in settling the affairs of his first usurpations, and in amassing wealth for any contingency that might occur. During this period we find him pushing his depredations into the Mogul and Beejapore possessions in the Deccan, and in 1657 he married three wives of three Mahratta families, which shews that he himself did not claim a descent from Rajpoot parents.

76. In May 1657, having plundered the city of Junoor, Mykoosing, the Mogul commander in Aurungabad, advanced into his country. The first operations of the imperial commander were confined to the reduction of the fort of Chacun: but after he had taken it he was diverted from his intention of advancing by a considerable body of Sewajee's troops passing him to the eastward, and threatening an incursion into the Mogul territories. The imperial commander therefore retreated, and Purtab Rao Goojier, the officer in command of Sevajee's force, gave him battle in the valley of Ahmednuggur, and after a well-fought action, in which the imperial commander lost his life, Purtab Rao put the enemy completely to the rout, and afterwards recaptured the fort of Chacun.

77. After this victory Sewajee continued without interruption his operations for the conquest and security of the Concan. His power in this interval was daily becoming more solid, and began to assume a permanent aspect. He had reduced many strong forts in the Concan, and he spared no pains or expense in building new ones in favourable situations; and though the general character of his wars and field movements was predatory, his arrangements for establishing his power on a firm basis were wise, and befitting the times and his purpose. On erecting the forts of Severndroog, Colaba, Suddeydroog, and Viziadroog, he equipped flotillas, and spread the terror of his name by sea as well as by land.

78. It is but reasonable to conclude that the foresight which directed the extensive warlike operations of Sewajee, and was applied to the formation of offices requisite to the direction of the affairs of a government in its great details, extended also to minutiæ of revenue arrangements, and that after the formation of those appointments which afterwards swelled their holders into the Asht Prudhans, the system of a fixed rent in kind which had beed introduced in the original jagheer of Shahajee was adopted throughout the new conquests.

79. In 1659 Sewajee fought a great battle with Roostum Khan, the commander of the Beejapore army, at Colapore, and gained a considerable booty and many horses; which when equipped with riders, he in February of the succeeding year (1660) took with him to Mudkul, as far as which place he collected khundee. But he had just time to secure himself in Pannela by the end of April, when Siddee Jore appeared from Rajepore with a large army, and he seized him in that fort.

80. Aurungzebe, piqued at the defeat of Mykoo Sing, and at the rapidity of Sewajee's movements, ordered Shaistry Khan, in 1660, to lead the grand army of the Deccan into Sewajee's countries, and to reduce him to subjection. Shaistry Khan was nine months detained before Chacun, which appears to have been considered a place highly important to possess before advancing into the heart of the Poona districts. The Havildar of Chacun, who did not surrender it until there was a practicable breach in the north-east tower, was admired by Shaistry Khan for his attachment and bravery, and he had the generosity to set him at liberty. Sewajee gave him the command of Bofratilgur for his fidelity and perseverance.

81. From Chacun the Mogul army marched, in December 1660, to Poona, where they were received as masters by Balejee Ram Honup, Daispandee, and by

by Sumbajee and Cowjee, the Daismooks of the Sooba. A trace of the policy of the Moguls on making conquests is to be distinguished in the reward the two last received for their defection, while it also affords example to the activity of Sewajee in punishing traitors to his cause, and in keeping up the terror of his name: these men were gifted by Shaistry Khan with the village of Murkul in enam, and they had just finished a wall round it when a detachment of Sewajee's troops surprised the place and put them both to death. Sewajee in the mean time was making conquests, and carrying on his war with the Beejapore Government: he came out of Pannela and took Wasota in June 1660, and early in 1661 plundered Rajepore and took Baboleo and Praboolee. In May he conquered the country of Surya Rao Raja, and early in 1662 he attacked and defeated a Mogul commander, encamped on the Meeree hills, near Peen. And now, finding it would require all his means to resist the Moguls, he made peace in this year with the Beejapore Government and gave up Pannela to effect this purpose.

82. In April 1663 Sewajee turned his attention to his enemy in Poona, and harassed him in various ways. In a midnight exploit with a few men, he nearly succeded in murdering Shaistry Khan. The imperial troops lay inactive from a want of unanimity in their commanders, and perhaps from the difficulty of the service in which they were engaged; while Sewajee continued to recruit his finances by bold and sometimes distant predatory excursions. In January 1664 he plundered Surat. In February he was besieged by Jeswunt Sing in Singhur, and while there he received the tidings of his father Shahajee's death. Jeysing took the command of the Mogul's troops in June, and Sewajee went to war with the Beejapore government in October.

83. The Mogul war gained new spirit in 1665, when Sewajee being pursued and besieged by Rajah Jey Sing in Poorunder, he was obliged to surrender himself to his enemy, and to take service with his conquerors.

84. It would be foreign to the object of this letter to enter further into the historical detail of the time when it appears probable the introduction of the new system of revenue and revenue officers (as we now find many of the latter) occurred. I shall therefore proceed to give an account of the principle of Mullik Umber's, and to make such remarks on its introduction as occur to me.

85. On Mullik Umber's plan, the whole of the arable land of the village being ascertained, it was divided, according to ancient practice, into two kinds. bhagaet land, capacle of yielding green or garden products, and jerayet land on which grain is produced. It was also divided into khalsat, or land which yielded a revenue to Government, and enamuttee, or land held rent-free through favour, or for particular services. On deducting the enamuttee from the total land the khalsat was detailed (as before usual) as consisting of so much bhagaet and of so much jerayet. In the explanation of the enamuttee land two details were given: 1st, the enamuttee doomalla of Wuttundars; 2d. the enamuttee (exclusively so) enjoyed by Musjed Pagodas, the Powahee and Naikwaree, &c.

86. The assessment of the khalsat land was then detailed; but besides the assessment of the land there were other fixed and fluctuating taxes on handicraftsmen, shopkeepers, and the Bullotees, or village servants. The operation of the land assessments depended on the quantity and quality of the soil, and on its produce.

87. The boundaries of villages and the quantity of land they contained were sufficiently well known before Mullik Umber's time; but he was, I should think, the first who introduced (or it may be revived) in his time the practice of appraising the land according to its quality. Mountains, though included in the bounds of the village, were not measured either before or by him, nor have I found them included in any subsequent measurement.

88. That the extent of village lands was known and defined for an ancient period may be fairly inferred from the records we have of the minuteness of Hindoo laws, and the litigious character of the people in regard to all sorts of possessory rights. The Patan princes of the Deccan also probably continued the customs they found established, inasmuch as consisted with their desire of enriching

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enriching themselves. These observations derive force from the following translations of village records.

89. In an old account of the village of Wing, of the Neer Thuree district, it is stated that "during the management of Nubee Yar, of the Koolburga sultu-"nat, there was neither a division of the fields nor of the bounds of the village, "the plains being covered with grass, and the occupation of the people the "feeding of horned cattle (goorey), for which a fixed sum was exacted." This paper goes on to state that "during the management of the Bureedees in Bedur "(Ahmedabad Bedur), and in the administration of the black and white Kho-"jas (probably Khajas) the village bounds were fixed; portions of land were "given to particular persons whose names were registered, and a rent (dust) "was established;" and there then follows a list of the occupants and of their fields.

90. The preamble to a paper exhibiting a renewed distribution of lands in the village of Gord, in 1598 A.D., after that village had been depopulated, and probably reduced like the village of Wing (though at a much later period) to be a pasture land for cattle, proves also something regarding the division of land at a remote period.

91. "Kurim Beg Sahib Nawaub having sent Janoo Sahib to settle the "country; on his arrival at the village of Sal in 1002 (1593 A.D.), where he "halted for a month, he attached the potailship of the whole country until "the Potails put a stop to exciters of sedition, and to plunderers going about "the country. When he made an agreement with them, which set forth that "Government having come to the knowledge that the country had been "completely ruined from the disturbances and rebellions of the late years, it "was desirous of repopulating it and bringing it again into a flourishing "condition, and therefore that it granted cowls to the Potails to assemble "the villagers who had fled. The Potails having been promised their "kubtee* rights, entered into the terms, and went to their different villages; "and among the rest the Potail of this village, which was laying waste, "assembled the inhabitants and went to the Circar, where they requested that "their lands might be measured out and assessed according to the measure-"ment. In consequence of this, Government ordered that the settlement "made in Kootubuddeen's time should be renewed. The inhabitants, satisfied "with this order, returned to their homes, and having assembled in the derguh "of Syed Umber Chustee, they determined that the old Meerassadars should "resume their old estates, and that those lands whose former proprietors were "not present should be bestowed on new proprietors. This having been "unanimously considered just, the lands were occupied as follows:—

"Boonyadee Thul Kurree (original landlord), and Enamdars Jejjee, "Potail, Kaley Moocuddum, to possess,

"1st. His own field called Parinda, containing twelve candies, of which "ten and a-half candies are arable.

"2d. Three and a-half candies of the field called Chinch Kele (which "field contains altogether seven candies, extending from the road to "the river), the former Meerassadar of this field not being now "present," &c.

92. We may from such document reasonably conclude that the division and possession of land and the boundaries of villages were well defined before A.D. 1000, or the time of Mullik Umber; and it is fair to infer from what I subjoin, if it be undoubted that the exaction of only one-third of the produce by Government tends to raise up the cultivators of the land into hereditary occupants (not to say proprietors) of particular portions, that before Mullik Umber's time there existed a title in particular persons to cultivate the lands of this country.

93. The following is a translation from the revenue history of that portion of the collectorship called the *Poona sooba.*

"The

* I do not know the meaning of this word.

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" The original number of villages in this sooba was 428; but 127 were " taken from it and transferred to other divisions: *viz.* to Khairoo Barry, " thirty-nine; to Baramuttee, twenty-two; to Waee, four; to Rohircorey, " forty-two; to Indapoor, ten; to Soopa, four; to Tultun, two; to Kuree- " wallee, two; to Sasopr, two. And besides these there were twelve " villages incorporated with other villages; *viz.* Gootunalley with Wingkha- " pree, Veer Deonalley with Kurinjey, Kurdee with Pashan Aldeay " Allindee, Hatolney with Khangaum, Punnoree with Coorcoomb, Neijer " with Soonowree, Tunpooree with Wunpooree, Meerowree with Julgaum, " Sonally with Daood, Kurryathan with Wurrowra: making in all 139 " villages lost to this sooba, and leaving to it 290, comprized in the tarafs " of Kurry Puthar, &c. The ancient mode of assessment, *viz. Government's* " share *one*, and the *Ryot's* share *two*, having been abolished by Mullik " Umber and Hybut Khan for a *fixed rent in kind*, this latter mode of " assessment was afterwards partly abolished by them in this sooba, on " account of the detriment to the improvement and cultivation of the land " which the payment of *all the rent in kind* occasioned, and in its room " they substituted *a fixed rent in money*."

94. The revenue history of the Poona sooba, and of some of its villages, affords some further information to which I shall now advert. During Mullik Umber's time, of the 290 villages of the Poona sooba the revenues of 110 were fixed by him *in a fixed money* rent, 104 to pay their rent chiefly in copper, and six in gold. Shahajee, and also Sewajee in the first part of his time, continued Mullik Umber's plan, and added eight more villages to the list of those whose rent was fixed in copper. It will not perhaps be deemed irrelevant to state somewhat in detail an example of Mullik Umber's fixed rents.

95. In the village of Wing (no doubt after the capabilities of the land had been ascertained) the jerayet land, amounting to 1,316 tuckas, was assessed at the rate of one maund of grain per tucka (about three beegahs), payable in copper money at the bazaar rate of the time. The remainder of the assessment was taken in the following fixed items: in *Gold* 160½ pagodas, containing the following assignments and imposts, *viz.*

	Pagodas.	Rupees.
Paeposhee to Mortiza Alee Nizam Shah	139½	
Jahageer assignment to Shahajee Bhoouslah	19½	
Suruf Puttee	1	
Value of a good bullock (taken from the Potail)...	7½	
Rent of four tuckas of Baghet land	3	
At 3¾ rupees per pagoda	160½	602
In *Copper*, one pagoda per ten tuckas.		
Assessment for jerayet land in copper	694½	
Bazey babs	31	
Tuckas	725½	
Aleyada babs..	174	
Value of one maund of grain per tucka of land...	1,469	
Total in pagodas 236½	2,368	888½
	Rupees	1,490½

96. The articles taken in kind were one hundred bundles of curby, four maunds of ghee, two goats, two camleys, one kabdul, and the produce of eight mangoe and of six tamarind trees.

97. The amount paid by the cultivators of the jerayet land was the amount of what were termed in the accounts wantanee babs, or items of assessment, to be divided among them. These were in gold paeposhee and jahageer, amounting together to 159 pagodas, or ....Rupees 596

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Brought forward.........	Rupees 596
In copper: 1st, the assessment; 2d, the bazey babs, consisting of sirdaismookhee, dhuk, and vegetables; and 3d, the value of grain, altogether amounting to 2,194 tuckas, or 219½ pagodas, or	Rupees 878
Total	Rupees 1,474

Which makes the assessment on 1,316 tuckas or 3,948 beegahs of land, of the hakee standard, to be about one-quarter and fifty-three reas, or rather more than six annas per beegah. The ghee and cabee paid in kind were the only other imposts to which the established cultivators were rendered liable.

98. The alaida babs consisted of commutation for the service of a mahar for twelve lunar months and eleven days, at five tuckas or half a pagoda per month. The carpenter of the village three tuckas. The amount of kumavis or zikat, one hundred tuckas, &c.

99. The detail here given might perhaps be looked upon as superfluous, if the object of this report was not in a great measure to preserve some record of the past, before every thing becomes obliterated by time and the changes of Government: I shall therefore make no apology for introducing such statements as appear to me useful. If their perusal is not interesting, they may be passed over.

100. It is not stated what portion of the produce Mullik Umber took as the share of government through the operation of his new settlement. It is fair to conclude that he fixed it at less than one-third, which had been the usual exaction before his time; for his greatest merit was that by taking less rent than before, he improved his country to a high degree, and thereby actually obtained more money. Perhaps he adopted Toodur Mull's plan, as described by Mr. Grant, and fixed the rent at one-fourth part of the produce. But I shall consider this part of the subject in the concluding paragraphs of this letter, and there endeavour to shew what portion he took from calculations of the produce at the present day; and such an estimate will perhaps be considered nearer the truth than any speculation on general grounds.

101. Though also I have made the most diligent search after a record of the mode in which he surveyed the land and ascertained the produce, I am sorry to report that I have hitherto been unsuccessful in finding one. The better-informed natives with whom I have conversed are in general of opinion that his surveys were only what are termed nazur pahances, or estimates from beholding and traversing the land, without actually measuring it. He invariably uses the ancient measurements in his accounts; and we no where find that he made a classification of the land, such as was made or intended to be made by Toodur Mull's system; but every one is agreed that he did make such a distinction between good and bad land, as to fix the rate of assessment of villages in a just proportion to the quantities of these qualities. I shall perhaps be able at a future period to afford more definite information on these points, for I have not yet given up my hopes of discovering papers explanatory of them. *(Sic orig.)*

102. But whatever may have been his mode of determining the amount to be realized, there can be no doubt of his having fixed, or intended to fix the sum to be realized from each village, in such a manner that there should be no fluctuation in it beyond what might arise from that portion of it accounted for in grain at the bazaar rate of the day. There was of course an admissible fluctuation in the village revenues, in the taxes on trades, &c., but the above and the observations immediately following allude to the rent of land.

103. Mullik Umber's land assessment appears to me to have had reference in all instances to the whole of the arable land of each village, for he never mentions land laying fallow, and has in every case made up his assessment on the whole land, without reference to the state of cultivation: he therefore most probably, on determining the fixed rent yielded the villages, to the sole management of the Potails, with orders that they should annually realize this fixed amount from their respective villages. Thus his settlement was a permanent village settlement, although founded on a knowledge of the state of the Ryots and of the land at the time it was made.

104.

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104. His settlement did not demand an annual ryotwar scrutiny for the consideration of Government, although of course every system must be ryotwar in regard to some one, whether that person be the highest or lowest agent of the Government or of a contractor. In this case it is clear that the Potails were either in a manner contractors, who were bound to raise from the village a certain sum, or the whole of the Meerassadars of a single village formed a corporate body for the discharge of a particular obligation.

105. If the Potails were contractors, we may at first view suppose that this consignment of the mass of the people to the heads of their little communities laid the seeds of petty tyranny, and gave a scope to over-exaction without appeal; but from the checks presented by the nature of the tenures of the Ryots, I should suppose the Potail could have had little power to injure them, and would on no occasion have risked a sweeping degree of oppression. If the lands of those villages in which Mullik Umber fixed the rent were not wholly occupied by Meerassadars, when he made the permanent settlement, they no doubt were very nearly so; the whole of the Ryots therefore must have known pretty accurately at the outset what portion of the village fixed rent they had to pay. In a good season the Potail was opposed by a positive check in the exaction of any more than the usual rent which a Meerassadar paid for his land, which rent would in time become from a customary, a fixed rent; and even in a bad season he could exact no more by right than that usual rent; though, if a Ryot refused to aid him by some extra payment in the performance of this agreement to Government in a case of emergency, he had it a little too much, perhaps, in his power to annoy him in various ways: but it was evidently the Potail's interest to ward off such emergencies by having all the land of the village ploughed.

106. If the Potails were not contractors but merely the agents of Government in realizing from a corporate body a sum it was bound to discharge, which I think was the case, the general improvement of the country was still less problematical, since it would then be the interest of a great number to see the whole of the lands brought into cultivation, in order that they themselves should have a less share of the burden of the whole rent payable by the village. But this principle was self-destructive as soon as any great calamity might occur which should depopulate the village, or ruin several of the members of the village corporation, and the Government accordingly always made allowances in such cases, either by granting deductions from the full rent payable in very bad seasons, or when war or pestilence had devastated the country, by only taking a rent on the quantity of ground actually in cultivation.

107. In the same way as the fixed rent of a village was demandable by Government, so the proportionate share, according to the extent and quality of his portion of land, was demandable by the whole body from a Meerassadar, and this whether he cultivated his land or not. But I shall not in this place anticipate the history of a Meerassadar and his estate.

108. Of the 290 villages of the Poona sooba, MullikUmber had himself applied the principle of his fixed money settlement to 110. These were at that time called money villages, and those which remained were termed grain villages. Of the grain villages in Shahajee's time, six were made money villages; and in Sewajee's time, previous to A.D. 1660, two more. There then remained 172 grain villages, which were divided into two kinds: those which paid their grain in barooley, and those which paid it in sarooley measure. Of the former, there were ninety-one and a-half; of the latter, eighty and a-half. The grain villages were also divided into those which paid a fixed quantity of grain, and those which remained on the ancient footing of a division of the crops in the proportion of one-third to the Government, and two-thirds to the Ryot. The number of the former was, at the commencement of Sewajee's career, eighty-five and a-half of the Barooley villages, and one of the Sarolley; and before 1660, he added the remaining six Baroolley villages, leaving a balance of seventy-nine and a-half Saroolley villages, which continued to be assessed according to the ancient custom of the country.

109. It would appear that the first step of Mullik Umber's plan was the fixing of the quantity of grain payable by a village, and the next the valuing this

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this quantity (or as much of it as he intended should be so fixed) in money; for in the history of those villages which obtained a money settlement subsequent to his time, it appears that this process always preceded the other, and that no village which continued on the more ancient footing received a money fixed settlement without first obtaining a fixed settlement in grain.

110. So long as a village paid a fixed rent in kind, the enams of the Mocuddum and other village servants were deducted yearly out of it. But when the assessment was fixed in money, the enams were deducted once for all, and the sum which appeared in account at the time of the permanent settlement was liable to no deduction.

111. The rates of the valuation of grain by which the money settlement was concluded appears to us in these times to be exceedingly low. The highest valuation of the best kind of grain was not more than one-seventh of the value of the same quantity of grain at the present day. There appears to have been no change made in the grain measures of the country, since the same names are in use now as formerly; and the Daismooks and other intelligent localists assure me that the measures have undergone no alteration.

112. From a calculation which I have made, I should consider that Mullik Umber's averaged assessment of a portion of land equal to the Senshahee beegah amounted to thirteen-sixteenths of a maund, whose value in the fixed money assessment of that financier would amount to one-quarter and nineteen reas of a rupee, or five annas nearly, and would in these times, supposing the grain to be at its medium rate, be worth from one and three-quarters to two rupees.

113. I have reduced my calculations to the beegah called Sewajee's, because it is the standard beegah of the country most generally in use after his time, and more especially as it continues to be so at present. It is therefore that to which our calculations should be made referable, in order to understand the different assessments of different periods with reference to present usage.

114. It may be proper to explain that the calculation on which I have come to the result above stated is founded on a knowledge of the quantity of arable land ascertained by actual measurement between the years 1662 and 1666 A.D., and of the quantity of grain exacted as a fixed rent by Mullik Umber and his successors. The quantity of grain is fixed in some villages on a Seoshahee beegah at nine-sixteenths of a maund, in some at ten, and eleven-sixteenths, in some at twelve-sixteenths, in many at thirteen-sixteenths (a little more or less), and in some it is at fourteen-sixteenths and fifteen-sixteenths of a maund. The average of thirteen-sixteenths was arrived at by summing up the arable land in forty villages, and comparing it with the whole fixed quantity of grain payable by these villages, according to Mullik Umber's permanent settlement. The variation of the proportion of grain to the quantity of land proves sufficiently well, perhaps, that Mullik Umber, if he did not actually measure, made his settlement on a pretty accurate knowledge of the different qualities and capabilities of the soil. The people of the country have a tradition that he ascertained the produce of good and bad land by the process named neemthana, and that he founded his calculations upon the result of that operation, and I think that this is by no means improbable.

115. Neemthana is performed by counting the sheaves of grain produced on a field of ascertained or estimated extent, and by selecting from among them one of the best, one of a middling kind, and one of the poorest, for the purpose of discovering the quantity of grain they contain. The average of the three sheaves is applied to the whole number, and the whole produce is thus estimated. The practice of neemthana, without reference to extent of land, is the mode of annually settling the revenue in some provinces of India to this day, and in fact it is the first operation of the Batei system, or division of the crops. It is prevalent in some parts of Candeish and of Guzerat. In these provinces about one-fourth of the whole produce being set aside for Huckdars and Gram Khurch, the remainder is divided between Government and the Ryot.

116. The supposition that Mullik Umber had resorted to the system of neemthana is supported by the narration that when Dadajee Konddeo, his imitator, had

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had extirpated the wolves in the maehls, he fixed a dhara for these districts by means of this operation.

117. I shall now go on with the history of the Poona sooba. When Sewajee brought on himself the vengeance of Aurungzebe, and a considerable portion of the sooba was occupied by the Moguls, express mention is made of Shaistry Khan having paid attention to the confirmation of Mullik Umber's plan of revenue settlement. But in the short period the Moguls occupied the country they did a great deal: Mirza Raja Jeysing and Dilleer Khan, or one of them, ordered the Bukhshee at Aurungabad to enter on a measurement of the whole country. There was, in consequence, a valuable record prepared, a copy of the most material part of which I have had the good fortune to acquire.

118. When Suffey Khan, the Aurungabad Buckshee, had obtained the survey, he adopted the fixed village assessment of Mullik Umber and Hybut Khan to the number of beegahs in each village, while the annual accounts were framed in the same way, and shewed the average assessment on the Kahee beegah, which assessment of course occasionally varied, from the dearness or cheapness of the grain of that portion of the assessment left to be paid in kind. Till this period (A. D. 1664) accounts were kept in the ancient measures of tuckas, &c. Suffey Khan also caused to be inserted, as was usual by the Moguls, the names and numbers of the Mocuddums, Koolcurnees, Chowgullas, and Mahars of each village, its situation, its distance in cucha and pukha coss from the sooba town, and from several principal thannas around it. The Ballootees were probably completed to their number of twelve about this time. The Prince Mahomed Mauzun, who arrived for the second time Governor of the Deccan in 1665, ordered that they and the Huckdars should receive from the cultivators of jerayet land a certain quantity of products in kind. The exact quantity to the Huckdars is not specified in the accounts I have examined, but the Bullootees were ordered to receive among them one maund per candy, or five per cent. of the produce, as follows: 1st class, the carpenter, currier, cooley, and maung, between them six paheeleys per candy of produce; 2d. class, the barber, potter, ironsmith, washerman, four paheeleys among them; 3d. class, the goorou josee, moolla, and mahar, two paheeleys.

119. The war which Sewajee protracted with the Moguls till his capitulation at Poorundher, in 1665, was ruinous to the country about Poona, which was the usual head-quarters of the Mogul commanders. We consequently find that Suffey Khan, who took charge of this district when the Mogul army marched to attack Beejapore, was obliged to grant cowls for the occupation of lands, and perhaps whole villages, which had become untenanted. The terms he granted were:

	First Year.	Second Year.	Third Year.	Fourth Year.	Fifth Year.
Dewan's or Government share....	½	1	1½	2	2½
Ryots' share	4½	4	3½	3	2½
		5	5	5	5

or a rent of one-tenth the first year, and augmented every year by one-tenth until the Ryot paid half the crop to Government in the fifth year. As an encouragement to the local officers to procure cultivators, he granted them a salary of five per cent. for division between the Potail and Koolkurnee on all land actually in cultivation.

120. The policy of continuing, as Shaistry Khan had done, to the inhabitants the favourable assessment of Mullik Umber was perhaps deemed useless by the Moguls, after the occupation (as they then no doubt supposed it) of the country permanently, in consequence of the capitulation of Sewajee; and they probably took the opportunity afforded by the distresses of the country, to introduce the system of exacting an equal share of the crop. It is not stated whether

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whether the cowls of Suffey Khan were for whole villages, or merely for particular fields; it is probable they were given in both cases. But whether they were or not, we find that the Prince Mahommed Mauzin, on his arrival, ordered the adoption generally of the buttee assessment. It may be useful to record a translation of his orders, though there is no trace of their having been carried into effect; so that it is very probable Sewajee recovered the country about Poona very soon after his escape from Delhi in A.D. 1666.

121. Jerayet land. First, the Government to divide equally with the Ryot the grain and kusba, and to receive ....* share of chaff. Secondly, the Ryot to pay from his share these village and district servants, *viz*: the Mocuddum, the Koolkurnee, the Daispandee, and the Daismook.

Baghavet Land.

First, Patusthul (land irrigated by watercourses). First quality of land, producing plantains, sugar-cane, saffron, ginger, bhang, and tobacco, to pay seven rupees and a half per beegah, (*i. e.* on a Seoshahee beegah, nine rupees and a half).

Second quality of land, producing onions, garlic, bringals, yams, subjee, and chillies, to pay thirteen rupees and a quarter per beegah (*i. e.* per Seoshahee beegah, two rupees and a quarter.

Second, Mohusthul. (Land irrigated by well water.)

First quality of land, producing the same articles as are stated in the first quality of putusthul, to pay five rupees and a quarter per beegah (*i. e.* six rupees and a half per Shevshahee beegahs).

Second quality, producing as the second quality of patusthul, to pay one rupee and a half per beegah (*i. e.* Rupees 1. 3. 80. on the Shevshahee beegah) Tax on wells. Each well three rupees and three quarters.

Kumanees.—First Aeenkumavees.

Sheeo (greens) variable quantity. Goorall (sugar-mill) ten sugar-canes, and five seers of the produce every day it works, and five seers of goor, and half a maund of raab (refined molasses) at the end of the season, per sugar-mill.

Gowan (place for thrashing or rather treading out wheat), for the gleanings found in the sheaves after they are trodden, for every cundee of grain one quarter of a seer.

Plantains. Per plantation, one hundred plantains.

Ginger, per ditto, five seers.

Melons, cucumbers, &c. grown in the beds of rivers, one-half the produce. Second, Jastee (or extra) kumavees, per-centage on Alumgeree rupees.

On Poorata, Dhoree, Tuvei, Paukhaee, and deficiency, two rupees and a half.

Aheer, four and a half to twelve rupees.

Carook (Ballootees), one to three rupees.

Mohturfa, per	1st Class.	2d Class.	3d Class.
First, oilmen, shop ....Rupees	35	30	15
Second, grocers, ditto	36	24	12
Third, weavers salies-house............	$3\frac{1}{2}$ mout	3	3
Monims' loom	24	16	8
Fourth, butchers .... (*Sic orig.*)	8	2	$1\frac{1}{2}$

Jdmatee.

First, Wurar (marriages) one-quarter rupee. Second, Paldaum (half ditto), half ditto.

Bhoot Hoonda. Tax or fine on witches.

Bhoosaree

* Left blank in the original.

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Bhoosaree (custom on grain) according to the custom of the Naka or village.

Bar Barda, Gora Ghora, according to ancient custom.

Sing Singho tee . Customs.

Kapar Bal (duties on), according to the village custom.

Tax on Houses.—Per house one rupee and a quarter.

Dust:Nisbutwar.—Speaking and singing birds, falcons, parrots, &c. per pair. (Not stated.)

Dhungur, one chowala (two cumleys sowed together). Oil from oilmen daily four tanks and a half.

Jewa. Subsistence taken by Revenue Peons, per day, viz. ghee, nine tanks, two breads and dal, and milk, or one bread and a half.

122. The result of the measurements of Suffey Khan was as follows: the whole land in the 290 villages of the Poona Sooba was 9,404 chowries and 24 beegahs, measured by a rod called a catty, 7.83 decls. feet in length; consequently the whole number of square yards was 3,074,546,453, that is 11,28,504 of the Mogul beegahs, 783,000 nearly of Sewajee's standard beegahs, and 635,236 English acres. From this was deducted the land covered by rivers, nullahs, villages, and towns, and all that bad land called Gheiran, which from its situation within the circle encompassing the arable land, was of necessity measured along with it. This deduction amounted to 2,128 chowries and 83 beegahs, and left a balance of 7,275 chowries and 91 beegahs of the Mogul standard of arable land, 913,091 beegahs of that standard, 633,194 beegahs of Sewajee's beegah, or 513,750 English acres.

123. The following proportions may with propriety be here stated; for as it is on them that my calculations are founded, a knowledge of the groundwork will enable you to rectify any mistake, should one have occurred.

1st. A line measuring 783 decls. feet, equal to the Mogul katty.

2d. One of 94 decls. ditto, ditto, to Sewajee's katty.

3d. One of 10,436 ditto, ditto, to the length of a katty to make an English acre, on the same calculation as that in which a beegah is brought out.

The difference of the first and second lines is 157 feet.

Ditto of the second and third ditto is 103 ditto.

Ditto of the first and third ditto is 26 ditto.

The ratio of the first line to the second is as 835 to 100.

The ditto of the second ditto to the third is as 90 to 100.

The ditto of the first ditto to the third is as 75 to 100.

The differences in square feet of the first to the second is 1,0820; of the second to the third is 8,220; of the first to the third is 19,040. The rate of the areas therefore is nearly of the Mogul beegah to the seo shakee as 70 to 100; of the same to the English acre as 56 to 100; of the seoshakee to the English acre as 81 to 100. The Mogul beegah contains 24,520 square feet, or 2,724$\frac{4}{8}$ square yards. The seo shakee ditto ditto, 35,340 ditto, or 3,926$\frac{2}{3}$ ditto.

124. After Sewajee had regained possession of his territories he probably found the villages greatly depopulated, and was forced to give up his right of demanding a fixed settlement till the country should recover its energies. This opinion is corroborated by the extant record of a settlement which he made partially in this soubah, and which bore reference to the quantity of land in cultivation. It seems improperly termed the Batei system, or division of the crops, since the following fixed rates of assessment are expressly stated as the essence of the arrangement. I conceive it to be the next step of Mullik Umber's plan, after ascertaining the quantity and quality of land. The rate of assessment, however, though on these principles, may be different from that of Mullik Umber, but I shall examine this in the sequel.

125. Sewajee's agent, Punt Soornees, having measured the land with the Sheoshaee katty, or a rod in length five haths, and five moothees of five different men, fixed on the chowrie (120 beegahs) the following rate.

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On jerayet land *uvul*, or first quality of land, thirteen candies of grain.

Dooun, or second ditto ditto, nine ditto ditto.

Seeum, or third ditto ditto, six ditto ditto.

To be paid in money at the bazaar rate of that period, *viz.* wheat and chuna at nine pagodas per candy; joarry, seven pagodas; and raley and nagnee, six pagodas per candy.

On Baghaet Land:

		Irrigated by Pothusthul.	Molusthul.
Sugar-cane plantations, ginger and saffron	Rupees per beegah	11¼	7½
Onions, garlic, bringals, yams and greens		7¼	No rate.

Paun gardens............... per beegah, 1 rupee.

126. Sewajee copied the plan of the Moguls in his arrangement for imposing taxes. He fixed them as follows:

1 Mohturfa, pack bullocks, each 2 rupees.

		1st Class.	2d Class.	3d Class.
Grocers	Rupees	13½	9	4½
Baboolance		4½	3	1½
Oilmen		13½	6	4½
Salee Momeen		9	6	3
Dhungur		9	6	3

Koshtees, Salees and Momins paid one rupee for each loom, two rupees house-tax, besides the taxes on their shops, dhungurs, and houses, three and three-quarters.

Surafs	each	4½ rupees.
Wanees		2
Salees		6½
Oil presses		11¼

2d. Ghur tacka, one quarter fifty reas of a rupee; 3d. Carook Ballooky carpenter, six rupees; carrier, seven rupees; washerman, four rupees; barber, two rupees; maung, one and a-half rupees; ironsmith, two and three-quarters rupees; goorou, one and a-quarter; cooley, four rupees.

127. It is difficult to guess how long or how generally the system above stated remained in force: there is nothing clear in the accounts after the departure of the Moguls. We find different villages measured by several men high in office, and probably no fixed mode of management was general in the country. But it is probable that, whatever number of plans may have existed, they were all intended to reproduce, together with a prosperous condition of the country, Mullik Umber's fixed settlement.

128. I have hitherto confined my observations to the Poona sooba; they are no doubt applicable, however, to the Junere districts under my charge, though, from not having had these districts originally, I have not obtained such old papers relating to them as I have acquired on the affairs of my original collectorship. The Mawvals were in a poorer condition than the rest of the country at the beginning of Sewajee's reign, and probably never arrived at so great a pitch of prosperity as to be fit to receive a fixed money settlement, though they were favoured by having, like the Concans, the first operation towards one conferred upon them by obtaining a fixed settlement in kind.

129. The Moguls held in Sewajee's time the greatest portion of what are now termed the Junere districts, and gave the name of tunkha to the fixed money settlement of Mullik Umber, which they no doubt continued very nearly up to the time when their power in this part of the Deccan began to decline. It was their Government which prepared a general statement of these fixed rents, and probably no alteration in the amount of the aeen tunkha of any one village has occurred from their time to the present. The contents of this statement being known to the whole country, it would appear that the Moguls made no secret of their realizations. Even now every village Koolkurnee, if he knows nothing else, can tell the aeen tunkha of his village and turruf, though he be perfectly ignorant of the principles on which it was determined.

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130. I am sorry to say that from 1668 and 1670 till near a century afterwards to 1758 and 1760, there remains a great blank to be filled up in my researches. The glimmerings I have had of what was then going on, however, would lead me to the belief that during this period, or at least occasionally, Mullik Umber's fixed settlement was the order of the times. Indeed, if it was not in force pretty generally, and during a great portion of the period in question, it would be difficult to account for the recollection of it being so long preserved among a people who, like the Mahrattas, are so teasingly inattentive to the formation of true and valuable records of any kind.

131. The following translations of some old papers of the year 1718 and 1720, &c. may stand in some measure as evidence that the exaction of rent according to the ability to pay, or in other words, according to the extent of cultivation, was not then the custom of the country, although it was adopted as a matter of necessity* on the part of the Government, notwithstanding the air of favour to the Ryots which the writings carry in their general tendency. It is quite evident, for instance, that the exaction of 2,027 rupees, the amount of the fixed settlement or tunkha of Tulligaum, from a few people who had settled in it after it had lain waste ten or twelve years, would have been impossible; or even if possible, that it would have been an act of such glaring injustice that no person would have remained in the village. The tenacity to right, however, probably made it appear politic to the ruler of the year, that though there was only ability to pay fifty rupees out of two thousand, yet that it was necessary to hint by implication the right of Government to two thousand, and that the acceptance of a smaller sum was an act of grace. These observations apply equally to the other summaries and translations subjoined.

132. " Translation of a Dustuck Beshemee (writing by the) Moccudum of " the village of Tulligaum Pranth Chacun, Circar Junere, Sin 1127 (A. D. " 1717), given as a bond to Sahib who summoned me to the presence and " ordered me to settle the jummabundy of the said village, but whereas the " Daismook and Daispandee having represented that the said village has been " for ten or twelve years past uninhabited; that this year, though a few culti- " vators had returned and now occupied it, yet that on account of the exces- " sive rains their crops were very poor; and that, to ensure some cultivation " in the ensuing season, it would be requisite to settle the khundnee according " to the (Jeevun Moafik) ability to pay, and as you (Sahib) have attended to " this request, and have fixed the whole khundnee at fifty rupees for land " (kalee), inhabitants (pandree), sayer, trees, shrubs, mangoes, tamarinds, and " foujdarry without reference to a fixed assessment, I agree to the same, and " will realize it.

" Total, Rupees fifty.

" Signed by Esajee Wuld Suntajee and Nimbajee, Daismook of the said " pranth, and by Trimbuckeshwer and Amajee Ballajee, Daispandee."

133. The condition of Tulligaum for 1128 (1718 A.D.)

In this year it appears, from a scarcity of rain, the Ryots were obliged to ask for favour as follows: " on which the Daismook and Daispandee having " represented, and you acceded to, a khundnee of seventy-five rupees on all " accounts (kool babkool hanoon, &c.) *viz.* jagheer foujdarry halee pandree " baghaet, am ambaee sing, singhotee goj gonee, we agree," &c.

This is attested exactly as the former paper, and by the same officers.

134. The condition of Tulligaum for 1129 (1719 A.D.)

In this year we find the assessment made according to the jeevan of the Ryots again, not in consequence of the badness of the crops, but from the favour of the Collector, who taking into his consideration that the village had been waste ten or twelve years, and that the two preceding years' crops had been bad, settled the khundnee at 125 rupees only.

This is attested by the same seals, &c. as the other papers.

135. The

* See the 106th paragraph.

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135. The condition of Tulligaum for 1130 (1720 A.D.)

The khundnee of this year's settlement amounts to 201 rupees, exacted according to the jeevan of the village, in consequence "of its recent re-esta-"blishment, and to let it thrive by ensuring from a moderate assessment this "year the labours of the husbandmen in succeeding years."

136. The next paper I submit is one in the name of the Mocuddums and Ryot cultivators of Waukee Khoord Pergunnah Chacun, Sin 1129 (1719 A.D.) who re-peopled the village on cowl.

"We write the following bond because you (Sahib) having summoned us to "the hoozzoor, have desired us to fix the jummabundy of our village, and "whereas in consequence of the village being in a miserable and deserted "condition, you have granted seven years cowl that we may bring the land "into cultivation by degrees and populate the village, on the representations "of the Daismook and Daispandee, who have told you that if cowl should be "granted the village would be again populated; and as you have, in view to "the prosperity of the next year, fixed the jummabundy of this year at "nineteen rupees on account of khool bab, khool canoon (every assessment) "jagheer and foujdarry, &c., we agree to pay that sum."

137. But although there is every reason to conclude that Mullik Umber's settlement remained in force and formed the basis of every revenue settlement till the year 1757-58, it served most probably only as a kind of mark of the height to which it was possible to raise a ruined village, and was overlooked when the people were at any time in such a flourishing condition as to be able to bear new imposts. Puttees and extra assessments were probably, however, less the result of oppression than of the ignorance of the rulers of the day, and of that fundamentally erroneous principle on which a part of the original tunkha settlement was made.

138. It is well known to the European world how great a depreciation of the valuable metals has occurred since the opening of the American mines, and that in few countries in the world was this circumstance attended with more perceptible effects than in India. Had Mullik Umber contemplated any such occurrence, it is probable he would not have concluded a money settlement in any of the territories where it was introduced, but that he would have constituted grain the standard of reference for regulating his fixed money settlements, and probably would ever have laid down rules to determine the method of fixing its value at stated periods, with relation to the fluctuating state of the markets in unusual seasons, or that he would, like Toodur Mull, have only fixed the rate of assessment in grain on land actually in cultivation, and made no fixed village rental at all.

139. Thus in proportion as grain became dearer from the depreciation of the value of the precious metals, Government was inevitably necessitated (probably without knowing the reason) to exact more money from the country than the permanent settlement of Mullik Umber would yield. There was probably no search made after first principles to rectify this evil, slowly, and to Marhatta statesmen imperceptibly, increasing from year to year; but that they heedlessly commenced the exaction of extra assessments, which bore the semblance of tyrannical imposts to the people, and in many instances, from the rapacity or carelessness of those who invented them, very probably were oppressive. In consequence of this ignorance of first principles, the limit to demand, that bulwark which had been erected in defence of the interests of the people was broken in upon, and the true means of rectifying the encroachment on equitable grounds were daily more and more buried in obscurity, until not a trace was left of Mullik Umber's system but its name and his fame, and they even have only reached these times from being preserved in the heart-burnings of the people.

140. In the midst of this confusion, and very probably from these causes, an attempt was begun in 1757-58 to make a general settlement by a measurement of the land, and by classing and arranging its quality, and thereby fixing an average rate for each village. This operation was gone through in a great part of the Junere district between the years 1758 and 1768 A.D., and in the country round Poona at a later date. The result was termed the kumal, a word known

known far and near, of which it will be proper to state the acceptation in these districts.

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141. The kumal as it exists here seems to be made up of the assessment on the land actually occupied and paying rent at the time of the settlement, and of the sivaee jumma. The kumal probably varies with the increase or decrease of cultivation and of siraee jumma. It is therefore not a permanent village settlement, like Mullik Umber's; it depends on the actual quantity of cultivation. The assessment of cowl land paying its full rent, and of meeras land, was fixed as follows.

On a sheo shahee beegah of Baghaet, or garden-mould land ... Rupees	6
On a sheo shahee beegah of Mul land, or land capable of yielding green-garden products and fruit-trees ...	3
On ditto of kalee black land, called also uvul or land of the first sort, producing grain	2
On ditto of Doun, or land of the second sort	1¼
On ditto of Secun, or land of the third sort	1
On ditto of Char Secun, or inferior land of the third sort	¾

142. The whole land of the village then in cultivation thus classed and rated, made up the land rent to be entered in the accounts as kumal. Thus in the year 1758 A.D., the kumal akar of the village of Owsurree khord, which had been ascertained to contain by measurement 3,120¼ beegahs 3¾ pauds in actual cultivation, was made as follows:

23¾	beegahs and ¼ paud of Bhagayet land, at 6 rupees per beegah ... Rupees	142⅓
236¼	ditto of Mul land at 3 rupees	710¼
414¼	ditto, and 2¼ ditto of Ralee, or first land, at 2 rupees	828¾
536¼	ditto. and ¾ ditto Doun, or second ditto, at 1¼ rupees	671¼
589¼	ditto, and 4¼ ditto of Secum, or third ditto, at 1¼ rupee ...	589¼
1,319¼	ditto, and one ditto of Char Secun at ¾ rupee	980½
3,120¼	beegahs, and 3¾ akar zumeen (or land)	3,932

Sivae Jumma.

Mahar hadola	48	
Mohturfa	154	
Balootey	66	
		268
Kumal akar ... Rupees		4,200

143. Every village has acquired a name for a portion of land by which it is now assessed in accounts. The names are to be found as far back as the time of the kumal assessment, and as I have not discovered their existence at a more remote date, they were probably then introduced, but at all events they were then made almost unintelligible. They are cundee, tucka (pucka and kucha), beegah (pucka and kucha), rocka mun aenpee, sygunny tee, rocka, pysa, &c. To these names there is no accurate notion of quantity attached, excepting that the lowest quantity of a few of them is equal to the highest quantity of others.

144. I was very desirous of discovering the nature of these measures, but it was to no purpose that I measured a cundee here and another there. The villagers some of them told me that a measure contained fifteen seer shahee beegahs, others of the same village persisted in saying that it was equal to thirty; and when I measured one on one side of the village I found it twenty beegahs, and when I took one on the other side I found it forty-three beegahs. It was evident, therefore, that experiments in the fields would not readily lead me to a knowledge of the principles on which these measures had been involved in mystery, and therefore wherever I went I insisted on being furnished with old village accounts.

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145. This subject will be best comprehended by shewing examples of the measurement of lands, and of making up the accounts of such measurements on the finding of the kumal.

"Canojee Potail Souday's fields in Narranagaum.

"The field called Sheboorjee (three operations).

	" Breadths or offsets.	Length.
" In one place	30 catties	—
" In another	20 ditto	110 catties.
" Total......	50	110 137½ 6¾pauds.

Average, twenty-five beegahs two and a half pauds.

" (This result of course is found by reducing the catties in 2,750 catties " into pauds and beegahs.)"

" Second operation :

" Breadths or offsets.	Length.
" 31 catties	catties
" 37 ditto	89
" Total 68	89 = 7½ beegahs 1⅓ paud.

" 34 Average.

" Third operation :

" Breadths or offsets.	Length.	
	80 catties	
	65 ditto;	200 catties
	41 ditto	

3)186(62+200 = 12,400 = 620 = 31 beegahs.

20 20

" Deduct 1½ beegah for rocks; land, charseen or fourth quality.

"Field called Tek. One operation :

" Breadths or offsets.	Length.
" 34 catties	126 catties
" 31 ditto	144½ ditto
" 31 ditto	
	2)267½(
" 25 ditto	

4)121(30¼+114 = 10 beegahs and 2½ pauds.

" Deduct on account of roads 4½ pauds, remains 9¼ beegahs and 3 pands, of which there is catty land 4¾ beegahs, and 3 pauds of dooum 5 beegahs.

" Abstract *of the above Measurement of two Fields, Sheeboorjees.*

	Beegahs of Catty Pauds.	Beegahs of Dooum.	Beegahs of Secun.	Beegahs of Charseem.	Total.
" Field	....	....	....	44	44
" Catty Tek	4¾ 3	5	....	....	9¼ 3
" Total	4¾ 3	5	....	44	53¾ 3

146. By a like process the land of a Meerassadar of Paubul having been ascertained, the whole quantity was reduced to the village measure, and he was taxed for it as follows :

Usul or catty land,	1 beegah, at	2 rupeees	2 rupees
Dooum	4	1¼	5
Secun	4	1	4
Charseem	7½	0¾	5½

Actual quantity of land ... 16½ beegahs and .... 16½ rupees assessment.

Now

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Now the village measure is called beegah, and is assessed at fifteen rupees in the accounts. By the rule of three, therefore, if a man pays fifteen rupees for one beegah, and he is required to pay sixteen and a half rupees for all the ground he has, he must hold of these beegahs of the village account, 1 beegah, 1 paud, and 6⅔ catties. He is for this reason registered as holding only 1 beegah, 1 paud, and 6⅔ catties, though in actual extent of ground he holds 16½ beegahs. The village measures therefore are nothing else than the averaged quantities of different qualities of land, and it will readily be seen how impossible it would ever have been to have discovered by actual measurement the quantity of land in village measures. To shew this more clearly by comparison, I subjoin the assessment on the lands of another Meerassadar of Paubul.

Doul or cattie	4 beegahs at	2 rupees, ...	8 rupees
Dooum	6	1¼	7½
Secum	1	1	1
	11		16½

assessment. Now this man, although in actual measurement he only has eleven beegahs, pays as much as the former who holds sixteen and a half, because the value of the land he holds being greater, he pays for a smaller quantity of it an equal rent with the other.

147. On this principle, all the meeras lands in cultivation having been averaged, a dir, or rate, on the village measure, was fixed, and has been handed down to us as the result of a laborious and intricate mode of assessment.

148 The period from 1758 to 1768 is a kind of resting place, from which we have to set out anew, and to view every thing in a new and more obscure light. Whether the resumption, or it may be assumption of the prerogative of exacting any rent Government chose from villages, had been gradually established for thirty or forty years preceding the kumal settlement, or whether it was abruptly introduced at that period is not clear; but it is quite apparent from the act of fixing a new rate that it was then in full force; and there exists full evidence, that though the kumal rate may not have been changed, the right of exacting whatever appeared convenient. has not been relinquished, but always practised since that time.

149. In the ....paragraph of this letter I commented on this subject, than to observe that Government having, during Mullick Umber's time, and that of his successors for a century afterwards, exacted a fixed rent from each village, it was the interest of every member of a village to see that there always was as many hands as should plough up the whole of the village lands, and that thus every landlord took care, not only to have his own estate completely cultivated, but to see that his neighbours attended to theirs; because, as he paid a proportionate share of the fixed rent for his estate, it was to his own interest to have *it* all sown, and also to watch that others should sow *theirs*, that a share of their rent might not fall on him to discharge, should they become bankrupts. There could be no principle invented with a better tendency than this to preserve the country in a flourishing condition, or to render the inhabitants of the same village more ready to assist each other in all their little difficulties. With the exception, therefore, of the fluctuation of rent, incident to the ruin of one or two landlords (I have shewn in the 106th paragraph, that where a heavy calamity ruined many landlords, Government was always moderate in its demands), every Meerassadar paid a quit rent for his estate, and found himself, through Mullick Umber's settlement, an actual proprietor; whereas a revolution recurred in his condition on or before the settlement of the kumal, which has rendered him liable to ejectment by being ruined by oppression. I look upon the fixing of the kumal to have been a breach of public faith, in the way in which it was performed; it broke down a strong barrier to the protection of the rights of individuals, and left the mass of the people at the mercy of merciless agents—for we find, the very year after the kumal settlement, the imposition of all sorts of extra assessments and puttees, and no limit to demand left—however excellent the first intention might have been of fixing this limit on equitable principles, and giving, as I have shewn, a dir or rate to each village.

150.

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150. Although I deprecate the mode which was adopted, and which porduced so much evil to the people, I do not maintain that the Mahrattas had not a right to revise the permanent settlement of Mullik Umber, and to bring things back to their proper level; on the contrary, I think they had every title to do so. But no apology can be made for the carelessness and ignorance which permitted the invasion of such sacred rights as the Meerassadars of this .... (Sic orig.). appear to have been entitled to enjoy.

151. From the period of the kumal settlement the revenues were managed by agents, who examined the village accounts in detail, and settled, or were supposed to do so, for the revenues according to the cultivation, or by fixing with the Potail for the payment for one year of a stipulated sum. The kumal, however, was the landmark of their operations. It was substituted for the tunkha in the village accounts, and a demand for its amount was invariably made from villages whose cultivation just enabled them, or did not quite enable them to pay it; and in regard to these villages it might be considered a fixed settlement; but in others which had increased in prosperity from the time of the kumal survey, an excess was taken, either arbitrarily, that is, by a good guess at the increase of cultivation, or by an actual investigation of that increase. This excess was most probably a perquisite of the local agent's, and was furnished with a place in the accounts under Mahulmuzcoor and other such heads. These agents were spread over the whole Mahratta empire, and were men of influence and ability, having the titles of Soobadars and Sirsoobadars. They were magistrates, judges, and collectors in the divisions assigned them. Their duties corresponded as nearly as possible with those performed by the gentlemen now under your orders. The extent of country under a Sirsoobadar, however, entitles him to be compared to a governor of a province. A Soobadar's rule was generally confined to a tract yielding from one to five lacs of rupees. It was not incumbent on the Soobadar or Sirsoobadar to be at the seat of his government; the management of affairs was usually entrusted to an able and confidential adherent, on whom all the power and authority of the office devolved.

152. On the appointment of a Soobadar he was furnished with an estimate of the revenues of his district. This was prepared by the Dufterdars of the state, under the eye of the Peishwa or his minister. The aeen tunka, or fixed assessment of Mullik Umber, always formed one standard of comparison. The actual condition of the country was then considered, and a reasonable allowance added or deducted on account of the increase or decrease of its prosperity. This was easily ascertained from the accounts and realizations of the preceding year. The Soobadar's salary and establishment were next fixed, and the amount deducted, and the balance which was left was divided into several sums, which were required to be paid at stated periods of the year into the Government treasury at Poona.

153. When the year of accounts was closed the Soobadar was obliged to furnish a detailed account of his realizations; and if it appeared that he had collected more than had been estimated, he was called upon to pay the surplus; if any deficiency had arisen, and if there existed no reason to believe that his accounts were false or his management negligent, he was not obliged to make it good.

154. The Soobadar of former times was therefore a Government agent, whose chief duties and responsibility in times of tranquillity were to collect the revenues. Though he was also a judge and magistrate, he was so only because he was a collector.

155. When the Soobadar or his proxy arrived in his sooba, it was his first duty to ascertain with precision how much land had been brought into cultivation, or was likely to be so in the course of the year. For this purpose he deputed local managers. Those sent to superintend a taraf pergunnah, or mehaul, were termed Kamavisdaurs, and those who had charge of a few villages under them were simply named Carcoons. These men were employed in framing an account from actual inspection, aided by the Potails and Koolkurnees, of the quantity of land belonging to Enamdars, and others, of the quantity of assessable land lying waste, and of the quantity of that which had been cultivated. After this survey, the revenue of each village for the year was

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was estimated by the meeras land in cultivation, or which belonged to Meerasadars on the spot, though not cultivated, being valued at that certain general rate proportioned to its average quantity fixed by the kumal surveyors, and by the assessment of the okhty and cowlee land, according to the terms on which they were let. This estimate was not the actual settlement for the year; it was only the ground-work for fixing the dates of paying certain sums, until it should be ascertained at the end of the year what revenue it was really proper to take. It was always so near the due assessment, however, that it was considered sufficiently satisfactory to insert its amount in the acknowledgment which was taken from the Potail of each village for the payment of the revenue.

156. It was usual for the Soobadar to pay a visit to each taraf, mehaul or pergunnah, when the inspectors of the cultivation were ready to submit their labours to him. The Potails of the taraf repaired to his cutcherry, and having given a bond for the payment of the revenues stated in the estimate, and received a counterpart of it from the Soobadar himself, they returned to their villages to commence their collections. If any failure of crops afterwards occurred it was taken into consideration, as may be better understood by a perusal of enclosure No. 2.

157. It was expressly understood by Government that the Potail was purely a Government agent in these duties (unless where he farmed the revenues for the year), and that neither he nor the Koolkurnee were entitled to any advantage beyond their established salaries, enams, hucks, or rights; they were therefore also exempted from bearing the burden of any defalcation. It should seem that the bond taken from the Potails was thus rendered nugatory by the relation in which they stood to the Collector; but when the influence which they possess in the little society over which they preside is taken into consideration, we must conclude that it could not fail to be attended with a good effect, to remind them that the whole exertion of their influence was expected from them for the benefit of Government. Having granted such a bond also furnished the Potail with an argument for inducingthe Ryots to comply readily with his demands for money. (Sic orig.)

158. As the money was paid to the Soobadar, he granted receipts, and when the year of accounts was at an end these receipts were resumed, and a statement furnished to the Potail, shewing the real amount of revenue only then fixed for the year, the dates of its realization, and the balance (if any) outstanding. This statement was ratified by the Soobadar in the usual way.

159. The appointment of Soobadars was continued or taken away from him who had held it, according to his interest at court. Some Soobadars were allowed to remain only one year, but they generally had address sufficient to retain a soobadarry for several years after they once acquired one. Some Soobadars let out in farm a few of their mehauls. The persons to whom they were let were termed Mamlutdars, and they possessed in their own persons all the power of Magistrate vested in the Soobadar; but they could not sentence to death, nor award the punishment due to heinous criminal offences.

160. When the year was expired, it was incumbent on the Potail to continue the performance of the duties of his station with spirit without any orders from the Soobadar. It was of no consequence to him whether the former Soobadar was continued in office or not; and sometimes two or three months at the beginning of the year of accounts would elapse before he knew who was to be his immediate superior for the ensuing year. This custom was on every account indispensable, because when the removal of a Soobadar occurred, it usually happened at that period of the year when, if the Potail were not obliged without orders to use his utmost exertions in stimulating the cultivators to industry, the country would, from the supineness of the Soobadar about to be ejected, remain unimproved; or if he were removed at the very commencement of the ploughing season, this important consideration might escape the new Soobadar till the year was too far gone to rectify the mistake occasioned by his inexperience.

161. The land already in cultivation it was generally easy to bring into cultivation again; famine, wars, and pestilence were the only obstacles the Potail had

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had to oppose him. Those who were not Meerassadars and had once cultivated a field were generally willing to do so again, so long as they had, or were able to support, the requisite establishment of cattle, &c. The Potail's chief care at the beginning of the year therefore was, to encourage the ambition of his Meerassadars to plough up and to expend their little gains in taking untenanted lands, to obtain new ooparees, and to assist old ones in extricating themselves from pecuniary difficulties, to prevent their being forced to sell their cattle and effects, and to remove to a distant part of the country. He could generally perform the latter duty by interfering between the debtor and creditor, and by persuading the creditor of the possibility of his debt being discharged if the energies of the debtor were not cramped, or he would promise to represent his case so strongly to the Soobadar, that he would be furnished with tuggye, or an advance of cash, to enable him to go on with his cultivation. The former duties he accomplished by holding out prospects of gain from the terms at which he should let the unploughed land. These terms were a gradual increase of rent for a certain number of years, until the greatest estimated rent of the land should be paid in the last year. They were understood under the term istawa, and they admit of being explained by general rules, though in particular places, either from particular customs or from the nature of the country, there are exceptions to them.

162. Land which had lain waste for fifteen years was offered by the Potail for ten years' certain occupancy. This is, I believe, the longest period offered; and if excessive labour were required to clear the land, a commensurate consideration was allowed in the terms of the rent. Where the labour was not very great, a written cowl of istawa for ten years was granted to this effect. No rent to be paid for the first year; the second year the ninth part of the full assessment of the field (which, for instance, might be five rupees on a field that would produce forty-five rupees); the third year two-ninths of the full assessment; the fourth year three-ninths, and so on till the full assessment was realized in the tenth year.

163. Land which had been uncultivated from above six to under fifteen years, was offered on a lease of six years. The terms of the lease were, the first year no rent; the second year, the fifth part of the full rent of the whole land; the third year, two-fifths, and so on.

164. Land which had lain less than six and more than two years, was given on a lease of four years. The terms of the first year were a small rent; in the second year somewhat more than a third of the full assessment, and so on till the fourth year, when the full rent was paid.

165. Cultivators holding cowls of istawas were exempted from all contributions raised from Meerassadars, which it is considered incumbent on them as a society to pay, such as donations to holy men, and especially gosseins, contributions raised to give to tumblers and musicians, for the gratification of seeing them perform their feats and hearing them play; that is, the khurch puttees raised by the Camavisdars were paid by Meerassadars alone. They were also suffered to enjoy, if they wished it, the fields they had brought into cultivation for two or three years after the cowl of istawa had expired, and it was even expected by the Potails that they should not desert them for that period at least. The rent paid during these years was the same as that paid in the last year of the cowl, and the cultivators were then liable to all the extra expenses which fell on what may be termed the village corporation.

166. Exclusive of the settlement for the jummabundy it was the duty of the Potail to recover all articles established to be paid to Government by the village in kind, and also all the hucks of the Huckdars of the taraf and of the village.

167. When the season was advanced, the Soobadar furnished the Potail with a Peon to aid him in the collection of the revenues. This Peon was sent by the Soobadar, and was a distinct person from the Chowgulla or village Peon. The Derk of the village also gave his assistance.

168. The process of collection, after the amount to be paid at the time by each cultivator was intimated to him, was for the Potail to require the money to be paid to be taken without delay to the village goldsmith, whose duty it was

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was to examine it, and if good, to stamp it with an iron instrument. The money so attested was then received by the Potail, who after giving a receipt, or not, as might be the custom of his village, either himself set out with it without delay, or sent a relation or friend on whom he had entire confidence, to convey it to the Mamlutdar; but whoever took it in charge, the money was always given into the hands of the village Mhow, who alone was the proper channel for its reaching the superior officers of Government.

169. When the money was brought to the Mamlutdar's cutcherry it was again examined by a Shroff, and if any of it was found bad, the village goldsmith was obliged to change it. When the money was accepted, a receipt was passed for it by the Soobadar, who resumed it at the end of the year, when he gave a single receipt for the whole of the collections of the year.

170. It sometimes happened that a cultivator would either refuse or evade the payment of his revenue. When the Potail was unable to persuade him of the impropriety of his conduct, he requested the Government Peon to interfere. The Peon was authorized to hear the Ryot's representation: and if he thought the Potail was doing an act of injustice, or that the Ryot either was, or had become, from fortuitous circumstances, unable to comply with the Potail's demand, he took the man to the Soobadar, who if he had reason to be satisfied with the excuses given, ordered a remission, in part or wholly, of the demand against him; but if the Peon saw no good reason on the part of the Ryot for refusing to pay his revenue, he would punish him by making him sit in the sun, by not allowing him to be fed, or by placing him in durance in the village chowree; and if this treatment should have no effect, the Peon took him to the Mamlutdar, who, if he pleased, inflicted slight corporal punishment, not in a regular way, but by what might be termed handling him roughly, by pulling and pushing him forcibly backwards and forwards, and by giving him thumps on the sides and back. Should he still continue obstreperous, he was reported to the Soobadar, who ordered his bullocks and property, and in extreme cases his land, if a Meerassadar, to be attached; and if after selling them the debt was not cleared, he was thrown into prison with fetters on his legs, until it was fully ascertained that he had no other resources, when he was again set at liberty.

171. In cases where Potails themselves were refractory, and refused to attend a summons from the local officer, the Soobadar sent a Peon or horseman to the village with a written order to the Potails to pay him a certain sum every day, proportioned to his ability or contumacious behaviour; but the exaction was never less than one, nor more than fifty rupees. If he persisted in not obeying the summons, and also in refusing to pay the fine, Sebundies were sent to seize him and to bring him by force, and he was then fined.

172. The Potail was bound to recover in the same year all advances which the Soobadar had given in tuggye or tuccava. These advances were never made to the Ryots but through the Potail, and at his request; and though the persons to whom they were given should still be in a state of insolvency, and require for the succeeding year some further support from Government, the money was generally resumed, and a new advance, if the Soobadar chose, was given for the new year. The Potail frequently furnished such cultivators with means of recovering themselves by lending them the money to pay back; but if the cultivator was unworthy of this indulgence, and had failed in restoring his tuggye, Government came upon the Potail for the whole of it.

173. There occurred, of course, deviations from these customs in particular places, and in the practice of particular men; but they were, generally speaking, such as I have described, until the farming system of Bajee Rao was substituted for his management of the revenues by agency. There were better and worse times, too, according to the state of the country, and to the disposition or ability of its rulers. The great Madoo Rao, for instance, lives in the minds of the people for his moderation. Succaram Bapoo and Nana Furnaveese, for their keen scrutinies, tempered by great justice and kindness.

174. In enclosure will be found some information about extra assessment and jummah khurch, after the settlement of the kumal, and previous to Bajee Rao's accession to the gandee, In all the accounts I have examined, the hucks of

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Huckdars were always taken exclusive of the kumal, and this fact has been attested in writing to me by the Daismooks and Daispandees of the present day.

175. So long as the loss came upon the Government, notwithstanding the encroachments introduced with the fixing a new village rent on the interests of the Meerassadars the greatest number of those in this collectorate stood out a trial of the new system for forty years: a clear proof that the Government was generally just; or that if the contrary, by imposing extra puttees that the dir or rate of assessment was very moderate, and probably in a much less proportion than Mullik Umber's settlement, if we take into consideration the price of provisions in the times in which it was imposed.

176. But when Bajee Rao farmed out the country, and the profits arising from oppression, and the losses from negligence or justice, were at the risk of the farmer, Meerassadars were in the course of his reign driven to the verge of ruin, and many actually left their lands and patrimony. The kumal assessment was always a beacon even to the most inexperienced tax-gatherer; and his own Mahratta ingenuity readily enabled him to devise other means of robbing the people. The title of Meerassadar never failed to excite his cupidity and active rapacity, so that the greatest portion of our new subjects within this collectorship ran a great risk of being placed nearly all on the same level of poverty.

177. To describe the enormities, oppression, and invasions of right committed by Bajee Rao's farmers, would neither yield gratification nor instruction; the following entries, however, translated freely from a Mamlutdar's private accounts who farmed the Poona sooba, may be considered as affording a correct delineation of the manner in which affairs were conducted by these farmers a few years before the war.

" 178. Received from Bapoojee Bin Ramjee, Potail Wytu, on account of " restoring to him, after an investigation of the papers, &c., half the Po- " tailgee which his ancestors had purchased, and which his agent Duarcajee " had usurped: seventy-five rupees."

" Received from Ragoojee Bin Nimbajee, Potail of Pemplay Sowdagur, on " his purchasing a meeras field and house in Poonowla, and for which, as he " received through me a deed of confirmation from Government, he paid " twenty rupees.

" Fined two banians in Kuringey for quarrelling about a debt: seven rupees.

" Bhasker Deo's father having given his daughter half of a jagheer, field, " and nemnook, and he afterwards not allowing possession to take place, fined " the god five rupees.

" Fined Shethee Bin Sumbajee and Bapojee, at the representation of " Ruckmajee, Potail of Lonee, Calbar, for assuming the Polee dignities: 100 " rupees.

" Fined the Potail and Koolkurnee (Bapoo) of Kurinjey for not allowing " another Koolkurnee to have his turn of management: fifteen rupees.

" Fined the village of Gunara, for a villager quarrelling with a Government " Peon: fifteen rupees.

" Fined Rama Cosely for striking Jagoojee Jactap's wife in the face when " she was grinding grain: two rupees.

" Amount of kurkee received from Bhurjee, Potail of Wallee, on giving a " decision in his favour in his quarrel for the potailship: 525 rupees.

" Received amount fixed to be paid by Toolusnath and Beeronath and other " burradus (drum-beaters), on the investigation and decision of a quarrel among " themselves: 180 rupees.

" Amount of cash received from Deojee, on his purchasing Soobajee's field " of meeras of one rocka in Rajeivarree: forty rupees.

" Received from Dhenkoojee Mogojee, Gooroo of the Mahars, a present of " seven rupees for giving him a takeed puttee to realize his hucks.

" Amount

" Amount of a bribe from Rukmajee Caley for letting him keep the village " of Lonud contrary to Government orders: fifty rupees.

" Amount received for takeed putter given to Sugoonabhyie, ordering her " potailship in Moondwa to be given to her, but which nevertheless did not " take place: fifteen rupees.

" The Potail of Dhamney having requested me to make a mussala on " opponent, to oblige him to bring their dispute about maunpaun (precedence) " before a punchayet, fined him accordingly ten rupees.

" A quarrel having arisen at Wangoley about the Holee Polee, sent a Sepoy " with a mussala note; but the Potail coming in just before the messenger set " out, closed the affair by receiving from him thirty rupees.

" Balwunt Rao, Daismook, has a field and garden at Moondwa which had " been mortgaged to Bapoo Rao Kishoo forty years ago, and enjoyed by him all " that time, restored the mortgaged lands, as they had been so long enjoyed, " and took twenty rupees for my interference.

" Took from the Mahar of Logaum three rupees, as a fine, for complaining " falsely that the Potail had beaten him.

" In consequence of a quarrel between the villages of Tancklee, Turruf, " Palees, Roop Ramchowdry exacted from his village twenty-two rupees and a " half, as a fine for fighting. But on investigating the matter and proving " that this fine was not justly taken, I caused it to be restored, and received " for my pains, out of the twenty-two rupees and a half, twenty rupees.

" Megasham Bhut Dhenkney and Ramchunder Bhut Dhenkney having the " village of Sangwee in enam, and a quarrel having arisen about their shares " of it, Ramchunder Bhut came to me to get justice; in consequence of which " I attached the village, but again eleased it, on getting from the opposite " party, Megesham Bhut, 200 rupees.

" Received from an inhabitant of Ownd (a village of the Chinchore god) " ninety rupees on his purchasing the third part of the potailgee of Tatorora " (then with Neelkunt Shastry)."

179. Having thus stated, as far as I have ascertained them, the modes of management from the institution of the kumal down to the present period, I shall proceed to a consideration of the most interesting point resulting from an inquiry into the revenue administration of our predecessors, and endeavour to shew, by a comparison with the produce of the land at present, the real value of the rates of former assessments, and the rate which we perhaps might in justice fix at present.

180. The following considerations are obviously operative in this question: 1st. The first and greatest is the depreciation that has taken place in the value of the precious metals. 2d. The second is one of those interesting points which I have only ascertained by general reasoning, and not by any written authority, *viz.* the condition of the villages to which Mullik Umber applied his permanent settlement. 3d. The third is what other circumstances besides that stated in the first consideration have occurred, which should render it just that the portion of the produce of a field which went for rent should be increased since the permanent settlement. This consideration involves a knowledge of the increasing scarcity of land, by which its value and also the price of grain are enhanced, or the reverse; it also depends, though in a less degree, on information concerning the extent of the markets where the produce at different periods found a sale, and generally on the prosperity or indigence of the mass of the people. 4th. The fourth consideration is to ascertain the staple food of the body of the people in past and present times, to determine what rent has been, and is paid for the ground on which it is produced, and to judge of, and to regulate the rent of other lands by a comparison with its rent. This consideration is founded on the apparent truth of the proposition, that " no one, unless forced " to it by peculiarity of soil, would cultivate any article which produces less " than the staple food of the community."

181. You will perceive that a fair appreciation of all these considerations is calculated to occupy much time, and you are no doubt aware that as this is the

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end of the year, I have little to spare from my current official duties, while my health does not permit me to study by candle light. I therefore respectfully submit the report at this stage, and when more at leisure I shall endeavour to elucidate those subjects which I have left unfinished, and to submit such information as I possess, on others to which I may not have adverted.

I have, &c.

(Signed) H. D. ROBERTSON,
Collector.

MINUTE *of the* GOVERNOR.

Minute of the Governor.

ACKNOWLEDGE the receipt of Mr. Chaplin's report. Entirely approve of the proposed delay in transmitting his report on the effect of the provisional system now in force in the Deccan. It is much less the object of Government that the report should be early received, than that it should be complete and accurate.

Observe that the reports of the Collectors contain a considerable body of valuable information.

Communicate the following observations upon those documents in their order.

The Governor in Council concurs with Mr. Chaplain in his opinion as to the probable cause of the increase of revenue in Candeish, as stated in paragraph 6. He trusts, however, that the Commissioner as well as the Political Agent, will have satisfied themselves that it does not arise from any undue addition to the burdens of the Ryots.

The abolition of the system of Havildaree, noticed in paragraph 9, is entirely approved, as is the reduction of the village expenses reported in paragraph 10. The Governor in Council is happy to observe that these expenses are not thrown in the public revenue, as stated in his report as Commissioner in the Deccan; but he retains his opinion that discretion should be used in reducing their amount, as the diminution of the comforts they afforded, while the amount collected to defray them remains undiminished, would otherwise operate as an augmentation of the assessment.

The Governor in Council concurs in the Commissioners opinion regarding the inexpediency of introducing a new measure into Candeish at the present time.

He likewise entirely concurs in the objections to altering the rates and manner of assessment, stated in the 13th and 14th paragraphs, and is of opinion that the utmost caution and circumspection is requisite in introducing all alterations of that description.

The Governor in Council approves of the regulation of the allowances of Potails proposed in paragraph 15. He entertains some doubts how far the advantage of the alteration of the allowances of the Zemindars would make up for the odium; but on this point, the nearer observation of the Commissioner will better enable him to decide.

The Governor in Council concurs in the opinion conveyed in paragraphs 16, 17, and 19, that although some revision of the Mohtarfa may be necessary, no general alterations like those suggested should be adopted.

Express the satisfaction of the Governor in Council at the reductions reported in paragraph 21, and hope that no safe opportunity will be omitted of reducing the disproportionate expenses of his collectorate.

The Governor in Council approves of the other proposals of the Commissioner relative to Candeish. He is of opinion that Captain Briggs' report is very creditable to his zeal and diligence, and that the degree to which the excesses of the Bheels in the province have been restrained, entitle that officer to high approbation.

The report of the Collector of Ahmednuggur not being in detail, affords little occasion for remark. It is satisfactory to the Governor in Council to observe that

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that the Commissioner's opinion of his proceedings is very favourable, and he agrees with Mr. Chaplin that the increased prosperity of his district will be the bestt est of his management.

The conviction expressed of the inexpediency of hastily raising the revenue is satisfactory to the Governor in Council, who would otherwise have felt some uneasiness regarding the means by which the sudden increase of 6,00,000 of rupees in fusly 29 had been obtained. The Commissioner will have an opportunity, on his tour, of discovering any excess of assessment, should any have escaped the notice of the Collector.

The present documents do not explain how the nemnooks, which were originally granted without regard to the amount of the revenue, can be fixed at a certain per-centage along with the village expenses; but from the approbation expressed by the Commissioner, he has no doubt that it is an economical arrangement, and that it is made with due regard to the rights of individuals.

The plan adopted for fixing the allowances of the Zemindars appears highly expedient, provided it can be effected without encroaching on any rights derived from practice of long standing.

Attaching much importance to the early collection of information regarding the mode of revenue management adopted in good times by the natives, which must form the safest foundation for our own operations, the Governor in Council has derived great satisfaction from the intelligence and research evinced in Captain Robertson's report, and especially from his illustrations of the Meerassee tenure. The Governor in Council will look with interest to the continuation of this report, and will expect a statement of the course of proceeding pursued by the Collector himself, with his opinion as to its effects in practice, as well as to its adaptation to the system established in the country. The want of all report on these subjects precludes all discussion of the merits of Captain Robertson's management of the revenue.

The Governor in Council has observed with great satisfaction the judicious views developed in Mr. Thackeray's report. He is convinced of the necessity of a survey and new assessment in the Southern Mahratta country, and conceives that it may be safely entered on, in the gradual and cautious manner proposed, and under the able and discriminating superintendence of the present principal Collector.

The Governor in Council requests that the Commissioner will be pleased to forward his detailed plan for conducting the survey, with an estimate of the expense, and that he will accompany it with his opinion as to the extent in which the proposed new assessment will change the relative condition of individuals of the agricultural class.

The Governor in Council would also suggest to the consideration of the Commissioner the advantage that would be derived from checking the operations of the native Surveyors by the superintendence of an European officer in each collectorate, who might ultimately be furnished from those composing the present survey establishment.

The Governor in Council is fully impressed with the importance of the question discussed in the fifty-sixth paragraph, and anxiously expects the Commissioner's final sentiments regarding it.

In the mean time, a circular letter to the Collectors in Guzerat and the Concan might be drafted from this paragraph, stating generally the doubts that have arisen as to the expediency of the duty on grain, and requesting the opinion of the Collectors on its effects in the country under their charge.

Before quitting the subject of revenue, the Governor in Council desires to be informed of the extent to which, under the native Government, being led by certain passages in the reports of Captain Briggs and Captain Robertson, to entertain doubts whether it was so general as he formerly supposed.

He wished also to know the effect of any more general introduction of that system that may have taken place since our acquisition of the country. He is particularly desirous to learn how it affects the Meerassadars. Concluding from

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from a passage in Captain Robertson's report that some of their estates have been of sufficient extent to require the employment of Ooprees under the Meerassadar, and conceiving that a direct settlement of the Government officer with those sub-renters would tend to destroy the property of the Meerassadar.

The Governor in Council hopes that the personal observation of the Commissioner may lead to some explanation of the paucity of civil suits in Candeish; he hopes also that the same opportunity may enable the Commissioner to decide whether the means at present adopted sufficiently show the manner in which suits before the Mamlutdars are disposed of, and if they can be made more effectual for that purpose.

On the general question of the manner of employing punchayets, the Governor in Council awaits the promised returns, as well as the opinions of the Collectors as to the effect hitherto produced (which if not already furnished should be called for by the Commissioner); and finally, the conclusions to which his own experience and observations shall have led the Commissioner. In the mean time the Governor in Council has to remark, that the various plans proposed of compelling the service of members in turn, according to a roll of the inhabitants, of remunerating them for their services, &c. should not be adopted without full consideration: for though it is obvious that they would remove present difficulties, there seems reason to apprehend that they would ultimately produce still more serious evils. To the first of these arrangements it may perhaps be objected, that it would destroy all the interest which may at present be felt by the members of punchayets in the decision of the cause, and would place each case before persons as little acquainted with the circumstances and character of the parties as an European Judge; and the second is no less open to the objection, that without affording a real compensation for the time lost in attendance, it lowers the character of a punchayet, by rendering it a business of hire, and that it may entail as heavy an expense on the parties as that produced by the fees on the regular system of the Adawlut.

The Governor in Council has no doubt that these bad consequences will be weighed against the opposite advantages in the Commissioner's final report, and he only notices them at present as reasons for delaying the immediate decision of the questions to which they relate.

In reference to the suggestion relative to the transportation of criminals, the Advocate-General should be consulted as to the regularity of such a step, and the Commissioner should be informed of the reference.

The Governor in Council notices with great satisfaction the exertions made by Captain Robertson, and the success that has attended his efforts to clear off his civil business.

The regular administration of criminal justice, and the efficient state of the police, reflect great credit on the administration of the same Collector.

The revision of the causes tried by the Assistant at Ahmednuggur, as suggested in paragraph 97, is judged indispensable, and is authorized.

The great disadvantages to which the police of Ahmednuggur is exposed have not escaped the notice of the Governor in Council, and are remarked as greatly enhancing the merit of the vigorous police, by which the tranquillity of that district has been protected.

The great attention bestowed by Mr. Thackeray on the administration of justice, entitles him to the particular acknowledgment of Government.

The opinion of the Commissioner in favour of the employment of Native Aumeens or Moonsiffs, under proper checks, and with due precautions to protect the upper class of natives, entirely coincides with that of the Governor in Council.

The Governor in Council would be happy to receive a draft of rules prescribed for that purpose.

The Governor in Council agrees also in the expediency of appointing Registers or Judicial Assistants.

But

But before communicating these sentiments to the Commissioner, his report should be sent to the Regulation Committee, with a request that they would report at their earliest convenience how far the Madras Regulations now recommended (VI. of 1816 and II. of 1804) are consistent with those in force at Bombay, or with those principles of the system of which they intend to recommend the adoption. Minute of the Governor.

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The suggestions conveyed in paragraphs 127 and 129 are entirely approved. That in 128 will be pointed out to the notice of his Excellency the Most Noble the Governor-General in Council; but the Governor in Council is apprehensive that the arrangement recommended in paragraph 126 will be found for the present at least to be unattainable.

The Commissioner should be requested, at his convenience, to furnish a comparative statement of the present receipts and disbursements of the Deccan with those stated in the late Commissioner's report.

(Signed) M. ELPHINSTONE.

The Board concurring in the Governor's propositions, the Secretary is directed to write the following reply to Mr. Chaplin.

From Mr. Secretary Farish to W. Chaplin, Esq., Commissioner in the Deccan. (24th January 1822.)

SIR:

I am directed to acknowledge the receipt of your letter dated the 5th November last, transmitting the jummabundy reports and statements of the several collectorates of Dharwar, Poona, Ahmednuggur and Candeish, with your suggestions and observations. Mr. J. Farish, 24 Jan. 1822.

2. The Honourable the Governor in Council entirely approves of the proposed delay in transmitting your report on the effect of the provisional system now in force in the Deccan. It is much less the object of Government that the report should be early received, than that it should be complete and accurate.

3. The Governor in Council observes, that the reports of the Collectors contain a considerable body of valuable information, and directs me to communicate the following observations upon those documents, in their order.

4. The Governor in Council concurs with you in opinion as to the probable cause of the increase of revenue in Candeish, as stated in paragraph 6; he trusts, however, that both you and the Political Agent will have satisfied yourselves that it does not arise from any undue addition to the burdens of the Ryots.

5. The abolition of the system of havildaree, noticed in paragraph 9, is entirely approved, as is the reduction of the village expenses reported in paragraph 10. The Governor in Council is happy to observe, that these expenses are not thrown in the public revenue, as stated in his report as Commissioner in the Deccan; but he retains his opinion that discretion should be used in reducing their amount, as the diminution of the comforts they afforded, while the amount collected to defray them remains undiminished, would otherwise operate as an augmentation of the assessment.

6. The Governor in Council concurs in your opinion regarding the inexpediency of introducing a new measure into Candeish at the present time.

7. He likewise entirely concurs in the objections to altering the rates and manner of assessment stated in the thirteenth and fourteenth paragraphs, and is of opinion that the utmost caution and circumspection is requisite in introducing all alterations of that description.

8. The Governor in Council approves of the regulation of the allowances of Potails proposed in paragraph 15. He entertains some doubts how far the advantage of the alteration of the allowances of the Zemindars would make up for the odium, but on this point your nearer observation will better enable you to decide.

9. The

Mr. J. Farish, 24 Jan. 1822.

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9. The Governor in Council concurs in the opinion conveyed in paragraphs 16, 17 and 19, that although some revision of the mohturfa may be necessary, no general alterations like those suggested should be adopted.

10. I am directed to express the satisfaction of the Governor in Council at the reductions reported in paragraph 21, and his hope that no safe opportunity will be omitted of reducing the disproportionate expenses of this collectorate.

11. The Governor in Council approves of your other proposals relative to Candeish. He is of opinion that Captain Briggs' report is very creditable to his zeal and diligence, and that the degree to which the excesses of the Bheels in the province have been restrained entitle that officer to high approbation.

12. The report of the Provisional Collector of Ahmednuggur not being in detail, affords little occasion for remarks. It is satisfactory to the Governor in Council to observe that your opinion of his proceedings is very favourable, and he agrees with you that the increased prosperity of his district will be the best test of Captain Pottinger's management.

13. The conviction expressed of the inexpediency of hastily raising the revenue is satisfactory to the Governor in Council, who would otherwise have felt some uneasiness regarding the means by which the sudden increase of 6,00,000 of rupees in fussly 29 had been obtained. You will have an opportunity, on your tour, of discovering any excess of assessment, should any have escaped the notice of the Collector.

14. The present documents do not explain how the nemnooks, which were originally granted without regard to the amount of the revenue, can be fixed at a certain per-centage along with the village expenses; but from the approbation you have expressed, he has no doubt that it is an economical arrangement, and that it is made with due regard to the rights of individuals.

15. The plan adopted for fixing the allowances of the Zemindars appears highly expedient, provided it can be effected without encroaching on any rights derived from practice of long standing.

16. Attaching much importance to the early collection of information regarding the mode of revenue management adopted in good times by the natives, which must form the safest foundation for our own operations, the Governor in Council has derived great satisfaction from the intelligence and research evinced in Captain Robertson's report, and especially from his illustrations of the Meerassee tenure. The Governor in Council will look with interest to the continuation of this report, and will expect a statement of the course of proceeding pursued by the Collector himself, with his opinion as to its effects in practice, as well as to its adoption to the system established in the country. The want of all report on these subjects precludes all discussion of the merits of Captain Robertson's management of the revenue.

17. The Governor in Council has observed with great satisfaction the judicious views developed in Mr. Thackeray's report. He is convinced of the necessity of a survey and new assessment in the Southern Marhatta country, and conceives that it may be safely entered on in the gradual and cautious manner proposed, and under the able and discriminating superintendence of the present principal Collector.

18. The Governor in Council requests that you will be pleased to forward the detailed plan for conducting the survey, with an estimate of the expense, and that you will accompany it with your opinion as to the extent in which the proposed new assessment will change the relative condition of individuals of the agricultural class.

19. The Governor in Council would also suggest to your consideration the advantage that would be derived from checking the operations of the native Surveyors by the superintendence of an European officer in each collectorate, who might ultimately be furnished from those composing the present survey establishment.

20. The

20. The Governor in Council is fully impressed with the importance of the question discussed in the 56th paragraph, and anxiously expects your final sentiments regarding it. Mr. J. Farish, 24 Jan. 1822.

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21. The Governor in Council desires to be informed of the extent to which the Ryotwar system was in existence under the native Government, being led by certain passages in the reports of Captain Briggs and Captain Robertson, to entertain doubts whether it was so general as he formerly supposed. He wishes also to know the effect of any more general introduction of that system that may have taken place since our acquisition of the country. He is particularly desirous to learn how it affects the Meerassadars, concluding from a passage in Captain Robertson's report, that some of their estates have been of sufficient extent to require the employment of Ooprees under the Meerassadar, and conceiving that a direct settlement of the Government officer with those sub-renters would tend to destroy the property of the Meerassadar.

22. I am directed to request you will furnish, at your convenience, a comparative statement of the present receipts and disbursements of the Deccan with those stated in the late Commissioner's report.

23. The 58th and following paragraphs of your report will be replied to from the Judicial Department.

I have, &c.

Bombay Castle, 24th January 1822.

(Signed) J. FARISH,
Secretary to Government.

J. BRIGGS, Esq., *to* Wm. CHAPLIN, Esq.
Dated the 31st October 1820.

Sir:

It appears proper, in forwarding my annual revenue report, to make some observations on the state of the criminal and civil judicature in this province.

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The condition of Candeish when first we took possession of it has been too often brought to notice to require any details. Property had long been insecure from the inroads of armies, military banditti, and lastly of that part of the native population denominated Bheels. The success of the British arms in all quarters has restored tranquillity; but the last of these evils still demands attention. It is known that the village Bheels, or watchmen, had taken to the hills, and for the last twenty years having abandoned their villages, had made the country the scene of their rapine and spoil. Individuals rose from single robbers to become leaders of organized bodies (with the title of Naïgs), and heading bands of from fifty to a thousand men each, with which they laid waste extensive tracts.

Others were less formidable from numbers, but not less enterprizing, on a smaller scale, and led gangs of from ten to fifty to drive off village cattle, or the respectable inhabitants, whom they detained till they were ransomed.

Lastly, were the Bheels residing in villages, who were intimately connected with those in the hills, who went occasionally and lived for months among them, but whose principal business was to waylay and plunder travellers, in concert with other Bheels of the surrounding villages.

Of the first class many have been induced to accept of pensions; they have also had commutations for ancient privileges confirmed to them by Government, and have continued, from the first time they made these agreements, to deserve the confidence which was placed on them; others, after having received the pensions for some months, suddenly quitted the villages in which they resided, assembled followers, again bade defiance to the Government, and sallying into the plains, carried off men and cattle so late as December and January last. The military operations undertaken against these bands were fortunately very successful, and with the exception of Koowar Wussawa in the vicinity of Kookurmoonda, and Unkoos Naïg, Duggan Naïg, and a band of one

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hundred marauders in the neighbourhood of the Kumar and Chaleagaon pergunnahs, not one chief remains in the Saltpara, Bauglan or Ajunta range of hills, who has not proved his fidelity by his good conduct; most of whom indeed no longer live in the hills, but reside in our villages quietly, without attendants, and are busily employed in the habits of civil life; and by late returns which I have received from the pergunnahs, no fewer than 1,003 new houses have been constructed by hill Bheels returned to villages within the last twelve months; so that together with those who have come back to their families, it is probable that from 3,000 to 4,000 Bheels who have always depended upon plunder for their subsistence, have returned into the bosom of society, of which it is fair to conclude that from 1,000 to 1,200 were male adults, the whole of whom have been robbers from their birth. This does not include the village Bheels, who have been to the full as deeply implicated as their brethren of the hills, to whom they acted as guides and spies, and became partners in the spoils. The result of our measures in Candeish against the Bheels has been to stop all attacks by gangs on the cattle of villagers, or on the villages themselves. Last year fourteen villages were sacked, and the whole of the cattle of twenty villages carried off: during this year, not one instance of either has occurred. But, while the more ruinous crimes which involve the whole communities in their effect have ceased, the less destructive though equally heinous ones, of highway robbery and house-breaking, have, as might be expected, increased, and I am sorry to say that the success of the police in apprehending criminals has not been very great. Five murderers have escaped without being apprehended, and eight highway robberies and murders have been reported, principally in the Chaleagaon pergunnah, the perpetrators of which have effected their escape into the hills, and joined their associates under Ankoos Naïg. The cases of highway robbery reported do not exceed the number of last year so much as might perhaps have been looked for, but the vigilance of the Bheels police in apprehending each other, can only be brought to more perfection than at present by a system that shall ensure to them a means of subsistence; and while it operates on the one hand as an incentive to activity, by being made a watchman, shall be sufficiently advantageous to render the loss of the office a serious evil.

The amount of 12,476 rupees said to be available for the Jaglas of 1642 inhabited towns and villages, does not afford on an average eight rupees annually to all the Jaglas of each village; and were the whole of their enam lands cultivated which are now lying fallow, that would not produce twenty rupees annually to each village. At present, however, I am led to believe that for the most part the Jaglas have few, if any hucks paid to them at all; that they must, like other people, depend solely on their own exertions for their livelihood, and a very great proportion of Candeish Bheels do support themselves entirely by labour. They are however constantly called on, in performing their duties as watchmen, in all villages lying on public roads, for which they seldom get paid by the passengers whom they accompany, and never by the villagers where they reside. In this state of affairs some expedient deserves to be adopted for improving the system of the police in Candeish, and no plan which does not rest on the employment of the Jaglas, I feel convinced, will be effective.

The Potail of the village is at the head of the police, and he relies for information on the exertion of his Jaglas, whether Cooley, Bheel or Mhow, for its efficiency. No person enters the village or quits it without having undergone the scrutiny of this vigilant agent. The stranger is accompanied to the next village on his road by one of the Jaglas, who is able to give information of any assault made on the traveller by others; and, if it should be found necessary, the stranger is easily traced, the watchman having noticed every thing regarding his caste, his language, his dress, his attendants, and his equipment. But while the honest Jagla has all these advantages to enable him to perform his duty to the public, the needy villain has only to step aside to the first neighbouring village after the arrival of a stranger, and pick up associates who are ready to assist in robbing him. I feel convinced that no highway robbery is ever committed without its being known in a few days to most of the Bheels in the vicinity. Their caste renders them unable to associate with other people, and their hamlet is on the outside of the village wall. But among themselves they appear to be very indiscreet: they are given to drunkenness; their wives, whom they seem

seem to treat with great confidence, usually share in the booty they obtain on the road, and these circumstances, among an ignorant untutored people, lead to constant exposure in communicating to each other. Any plan which should hold out reward to informers, and render the office of Jagla in any degree comfortable, would probably lead to a better system of police. The grain that was gratuitously offered by Government has never been demanded, because the Bheels were unwilling on the one hand to acknowledge themselves as having returned from the hills, and the Potails were probably apprehensive that the amount would be thrown upon the gram khurch, and would have become an additional tax on the village. Whatever the cause, the provision for the hill Bheels has never been required or paid, and they are now living peaceably, for the most part actively employed in domestic and civil occupations. A more complete reform than could have been anticipated has certainly taken place; but there is great reason to believe that the present system of police, and the total inadequacy of punishment for highway robbery, will at no very distant period render Candeish worse in that respect than any other part of the conquered country.

The accompanying document No. 1, exhibiting a comparative statement of capital crimes committed in Candeish, during the years 1818-19, and 1819-20; showing how many have been reported, and how few have been brought into court, will enable you to judge of the real state of the case. It will appear that out of seventy highway robberies reported to have taken place within the last year, only fifteen cases have been apprehended; and a general clamour is raised among the Mamlutdars for more Sebundies and horsemen, not that one or the other have the effect of checking the evil in a degree at all proportionate to the expense of maintaining them. There are no less than ten detachments of auxiliary horse in the different pergunnahs, and their presence is essentially necessary, in preventing any body of Bheels from assembling, and keeping in check those from the hills in the Ajunta range; but it is out of the question their having any effect on highway robbers.

I do not ascribe the non-apprehension of robbers to the negligence of the Mamlutdars, but to the general condition of the people: for unless the community itself is roused to aid the civil power, no separate establishment kept up by Government, is likely to be efficient. The Bheels should be effected in three ways to check this growing evil: 1st, they should have a sufficient dread of the punishment to deter them from crime; 2d, they should also from experience learn there is little hope to escape, and to ensure this; 3d, I would improve the condition of the better sort of Bheels, to induce them to act with energy in the apprehension of criminals, for which purpose I would suggest the following rules for their maintenance in future.

1st. That Potails in concert with the villagers shall select their own Jaglas from the Bheels of each village or town; that these shall receive a seer of grain daily from the Potail, and that on occasion of making the jummabundy the Bheel Jaglas shall be mustered, and recognized according to a register, to be kept of them by each Mamlutdar. That the grain given by the Potail shall be accounted for to him by Government, at the average price of the year on the same occasion. That the number of Jaglas to be maintained in each village should depend upon the gross revenue, in the following proportions: in every village, of whatever size, yielding a revenue as far as 500 rupees, one Jagla; in a village yielding more than 500 rupees, and less than 1,000, two; in a village yielding more than 1,000 and less than 2,000, three; in a village yielding 2,000 and upwards, four; and so on beyond 2,000 rupees, in the proportion of one Jagla to every thousand rupees of revenue.

That a Jagla after being once appointed and registered, shall not be liable to removal by any other power than the Collector, who will always be prepared to institute an inquiry into his conduct for that purpose. That on the death of a Jagla, his place shall be filled up at the recommendation of the Potail, and his name registered in the Mamlutdar's office, from which date only his maintenance is to commence. One-fourth of all stolen property actually recovered shall be equally divided between the Potail and the informer, whether Jagla or otherwise.

I calculate

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I calculate that the expense of this establishment would not amount to *more than two per cent. on the gross* revenue, and might be added to the gram khurch, which at present does not exceed *four per cent.; and the* quantity of waste land now written off against the Bheels might be resumed by Government. As the expenditure is to be made in grain, it will depend on the price of that article; and as it is likely to become cheaper daily, the expense will decrease in a proportionate degree.

Had the Bheels, as was anticipated, thrown themselves upon the bounty of Government, which had been proffered to them, it is fair to conclude that their maintenance would not have been less than ten per cent. of the gross collections. This charge has however been altogether avoided, and the usual expense of supporting village Thewaldars has also been done away, by which a saving has been effected of not less than twelve thousand rupees annually; and I trust therefore than an arrangement, which seems to promise so direct a tendency to promote the efficiency of the police will not be rejected.

Within the last month the Mamlutdars of Amulnur and Bhurgaow have apprehended no less than fifty-one Bheels who have been guilty of highway robberies within the last year, and from whose depositions and information a considerable proportion of the stolen property has been traced and recovered, from Potails and others, who have shared in the booty directly, or purchased at inferior prices trinkets, and other articles of value, of which the Bheels, from whom they had them, could not have come honestly. This connivance of Potails and others, when substantially made out, seems to me to deserve some punishment not inferior to that of the thief himself; but I shall proceed to shew that the sentence of mere confinement and labour appears quite inadequate to deter individuals from highway robbery, of a community composed as that of the Bheels is.

Persons born outcasts from the mass of society, bad in the practice of crimes of the blackest dye; such as robbery, murder, habitual drunkenness, lying, deceit, and other immoral habits, cannot, it is expected, be speedily reclaimed; indeed, nothing but a dread of severe punishment, and the little chance of avoiding detection, can effect this reform, however ample may be the means of obtaining a livelihood by honest industry.

The opportunities of acquiring subsistence by labour are now so numerous, and the demand is so great in Candeish, that a very large proportion of this wretched community has availed itself of them. But I am fully convinced that neither the nature of the punishment nor the fear of detection operates much in the prevention of crime.

Under the late Government, and indeed under all governments, highway robbery is usually punished with death. The ordinary sentence in Candeish has been confinement and labour in irons, for various periods, from seven to fourteen years. The nature of the labour to which the Bheels can be applied, and the instructions necessary to prevent those who are charged with their care from ill treating them, prevent this being a hardship beyond that of privation of liberty. The convicts soon get accustomed to this life; their allowance supplies them with food equal, if not better, than that to which they have been accustomed; they have a comfortable dwelling at night, are attended to in sickness, and as far as food and dwelling goes, their condition is improved in our jails. Capital punishment should perhaps be reserved exclusively for the crime of murder; but unless some more severe award is the penalty of highway robbery, I fear that now inflicted will have little tendency to check it. I should propose occasional severe flagellations in addition to hard labour, and on a repetition of the same crime, the culprit should be transported. But neither the one or the other punishment comes under the laws of the Shasters, and I am not aware to what extent I am authorized to reject sentences which do not militate against our customs, or appear flagrantly inapplicable to the cases, and substituting others which are not consistent with the Hindoo criminal code held forth for our adoption.

It is proper here to remark on the effect of the criminal mode of proceeding of our courts. Under the former Government, when persons were taken up their depositions were taken, and those of the persons concerned in the transaction;

transaction; and upon this was founded the ground of proceeding against the prisoners. Witnesses were not required to travel many miles, and to be absent from their affairs for a month at a time, without any remuneration or direct advantage; and if the stolen goods were recovered, and the prisoner acknowledged the robbery, the depositions above were considered sufficient evidence to condemn a criminal without *vivâ voce*.

However defective in form, as to English law, and incomplete this evidence may appear to us, it was in point of fact, such as the native courts were in the habit of receiving as sufficient for immediately pronouncing sentence according to the Shaster. The effect of this summary mode of proceeding was, that evidences were sufficiently willing to come forward and give their deposition on the spot, without any apprehension of being carried away hundreds of miles to substantiate the truth of it in person; an evil which is now looked upon with dread. Many persons are content to be robbed, and to allow the prisoners to get off, rather than run the risk of the inconvenience and expense attending our modes of proceeding.

Under the late Government, it is certain that no person was ever condemned till he acknowledged the crime himself, however circumstantial the evidence; and in order to obtain this, all sorts of hardships were put in practice.

When we first came into the country, the depositions of prisoners which were taken often led to important discoveries as to accomplices and others, who might be in some way connected with the transaction: this willingness to confess themselves, and to implicate their accomplices, originated perhaps in a notion that they would be punished with stripes till they made confessions. The dread of this no longer exists, and confessions are consequently now but seldom made, even in the mehauls; and it not unfrequently happens that they deny here what they have said in the mehauls, although they are unable to bring any proof of the confessions having been extorted by force. I conceive, when the confessions of prisoners have been of material consequence in apprehending others, or in fixing the guilt of accomplices, that some mitigation of the sentence should be made in their favour; and if flagellation should form any part of the sentence, it is likely to induce prisoners who are actually guilty and likely to be convicted, to make ample confessions, to evade that part of the punishment. I am also of opinion that some mode which should be less obnoxious and inconvenient to witnesses and prosecutors will be likely to remove the obstacles that are daily growing up under our system to effect the complete conviction of criminals, by the unwillingness of persons to subject themselves to all the trouble and expense of appearing in person to confirm what he has deposed before respectable witnesses. To this deposition, however, should always be added the reply of the prisoner at the moment.

In reply to your letter of the 2d instant regarding the appropriation of the fort of Mulligaum as a jail, I have ascertained from Colonel Huskisson that no military objections exist to the measure. I am of opinion, therefore, as soon as an officer can be appointed to superintend the repairs of the Paga shed, which seems in every respect calculated for the object in view, that it might be at once begun upon, and a portion of the prisoners sent over to work at its construction; and if the repairs of the inner works appear an object sufficiently important to warrant the expense of its superintendence, the whole of the materials and labour might in the course of time be prepared, and the repairs effected without any considerable expense.

In its present state, however, Mulligaum is not calculated to receive the prisoners; but on the nomination of an engineer officer to make out a plan and estimate of the expense, and to superintend the work of converting the sheds into cells, I shall take measures for affording him every assistance to complete the work.

The total want of classification of different criminals, of keeping any of the most obdurate in solitary confinement, or of employing them within the precincts of the prison, as well the want of room altogether in the fort of Dhoolia, renders the removal of the greater part of them to Mulligaum an object of importance.

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Having said so much on the effect of our criminal jurisdiction, I shall now take a view of civil judicature. The lists that are transmitted quarterly do not exhibit a great number of civil causes, considering the extent of the provinces. I have formerly adverted to the origin of this circumstance, arising, as I conceive, in the first instance out of the total stagnation of trade, and to the nature of the population, which consists chiefly of two classes; the needy cultivator without power and the sturdy lender; who was usually connected in some way or other with the farmer or Mamlutdar of the district, and who had always the means, after the demands of the latter were satisfied, of compelling the cultivator to pay to the utmost of his ability. In many instances the money lender paid the cash direct into the hands of the Mamlutdar, and took land of from fifty to one hundred per cent. from the cultivator, to be paid in kind at the harvest season. These lenders usually managed all the money concerns of the Ryots, keeping an account of grain against cash; and it not unfrequently happened that the Ryot got back at the end of the year as seed, at an advanced rate, the same grain he had previously paid, at a depreciated rate, to the Sahokar in liquidation of the last year's demands.

Under these circumstances, there were few balances due at the time we took possession of the country. The Ryots now no longer requiring the aid of these middle men, owing to the liberal advances made by Government without interest, have no longer any transactions with them; and the principal money causes which now remain are those of insignificant persons, who became middle men on a small scale, and had no support from the hand of authority, such as Gosseins and small Banyans acting as pedlars. There are some claims by Arabs and others, for money advanced to repeople deserted villages, for which in many instances land has been granted by Potails.

The causes which appeared the most complicated, and those which threatened to overwhelm me with business on first entering the country, were those of hereditary rights; it was fortunate that these were referred to punchayets. It appears that, within the last ten or twelve years particularly, a great deal of iniquity on this head had taken place, in procuring powerful agents for the consideration of bribes, to subvert the order of succession, and transfer certain hereditary rights and privileges belonging to the head of the family, to a junior member of it. The minute and tedious investigation of these cases were gone into with patience by punchayets; and although the decisions have not always been sufficiont to deter the person who has been cast from persisting, to demand another inquiry, yet of all the cases decided in this way it has not been found necessary to reverse one, notwithstanding some have been revised and re-examined by me.

Upon the whole, the system of civil judicature, as conducted by punchayets, appears hitherto to be well adapted to the object of attaining speedy, cheap, and ready redress.

Previously to the 1st January 1820 no regular register of the civil causes decided by punchayet was kept, the parties settled their dispute, brought their decision to me for signature, after having both declared their willingness to abide by the result, and gave in a copy of the proceedings. This system has been enlarged on, by requiring a registry of all causes decided by punchayet, and the list between 1st January 1820 and 1st September (eight months) exhibits 107 awards, and on that day there were eighteen causes on the file, delayed chiefly by the consent of the parties. The greater regularity which now prevails, and accumulation of causes, renders it difficult to procure members to sit on civil punchayets; and in a small place like Dhoolia, the duty is rather a serious evil to those called on. I brought this subject to the notice of the Honourable the sole Commissioner as far back as December 1818, when I pointed out the hardship of procuring members for punchayets, and recommended some remuneration for the members. The subject did not then meet with approbation in the proposed form, which was that of requiring the parties to pay the punchayet daily for their attendance, an arrangement which it was conceived would have quickened the interest of both plaintiff and defendant in bringing forward their proofs; but it was thought, on the other hand, such a plan would have tended to make it the interest of the punchayet to delay

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the final settlement of the cause. The difficulty of procuring the members of punchayets, and the hardship of attending so constantly as they are obliged to do at the Adâwlut, have rather increased than diminished, and I beg leave to point out the necessity of my being authorized to determine some fee for the punchayet, to be paid on the final settlement of a cause, proportionate to its nature and the ability of the litigant parties. It is not my intention to have this authority extended to the mehauls, where so arbitrary a power would be liable to much abuse.

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The last subject is that of the magisterial duties as applied to the hearing of complaints. One hour after my coming to my office daily is set apart by me, in person, to receive any complaint which is not referable to the mehauls; and my First Assistant, Mr. Hodges, when not actually engaged in criminal trials or any other business, is accessible from ten till five o'clock every day, to hear complaints, and to write letters to the mehauls on the subject. A register of each complaint is made; one copy of the letter to the Mamlutdar is given to the plaintiff, and another sent by the dawk; and at the end of the month the Mamlutdar sends in a list of the persons who have, and those who have not, appeared for redress, and a statement of what measures have been taken in each case. The duty of listening to complaints, of putting the person in the way of obtaining redress, of reading the judicial papers from each Mamlutdar and writing answers, and of superintending trials, are sufficient to occupy exclusively the time of one person of unremitting attention; but it is satisfactory, on the whole, to find that neither in the criminal nor civil departments business has as yet accumulated beyond our means of performing it.

I have, &c.
(Signed) JOHN BRIGGS,
Political Agent in Candeish.

JOHN BRIGGS, Esq. to Wm. CHAPLIN, Esq.
Dated the 10th July 1821.

Sir:

Mr. J. Briggs, 10 July 1821.

I have the honour to acknowledge the receipt of your letter of the 16th ultimo, and to forward the comparative list of crimes between December 1819 and December 1820. On the 31st October last I had the honour of transmitting to you an annual report on the state of the Judicial Department in this province; in that document, a similar list to that now required was submitted; a retrospect to the habits of the Bheels contrasted with their present state was taken, and some suggestions made as to the propriety of improving their condition as Jaglas; it would therefore be superfluous to do more than to add my conviction of the advantages which are likely to be derived from the adoption of some measures of the nature alluded to. I venture to advert to this communication, although it is nine months since it was submitted to your judgment, because I am now directed to suggest such measures as appear best adapted to ensure the efficiency of the police, and no others occur to me as better calculated for the condition of society in Candeish than those recommended in the document alluded to.

Highway robbery committed by Bheels appears to be the prevalent crime. In most of these offences the village Bheels alone seem to be the principals. Some few instances of crimes committed by other members of the community occasionally occur, originating in the passions of jealousy or revenge: but highway robberies, burglaries and thefts are confined in a great measure to the Bheel population.

Adverting to the several forms and accumulation of documents in the Judicial Department, where the prisoner and witnesses undergo three separate examinations, I humbly submit to the consideration of Government the adoption of a measure which is commonly practised under the Native Governments, and which seems admirably calculated to meet the object of simplifying the mode of proceeding, without lessening in any degree the substance of the evidence on which the prisoner is eventually tried. On the occasion of any person being taken up on a criminal charge, a punchayet, or sort of grand jury, is empanelled on the spot, when it goes into the case, examines the witnesses

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witnesses and the prisoner, confronted with each other, and determines whether there is sufficient evidence against the prisoner for committing him to take his trial; and the whole proceedings in writing, signed by the punchayet, is transmitted to the Government, which directs the release or otherwise of the prisoner. If he is committed for trial, the witnesses on both sides are sent up to the hoozzoor, where a formal trial is commenced on, and sentence is passed according to the law.

A remarkable instance of this nature lately occurred at Oojein, under the government of Dowlut Rao Scindia, which is recorded in a report on Malwa made by Sir John Malcolm to the Supreme Government, to whom I am indebted for this hint; Sir John Malcolm had also the goodness to allow me to make an extract from his report on this subject, which I do myself the honour to enclose.

It occurs to me, that in an extensive tract of country where the Adawlut over which I preside cannot be stationary, and in the present condition of the province, that the adoption of a plan of this nature in lieu of an examination before an European officer (where there are so few), would tend much to facilitate the judicial criminal proceedings; that, being conformably to the customs of their own Government, the measure—would be popular; that as the punchayet would have to record its opinion as to the sufficiency of the evidence for a trial, the circumstances of the case would be more minutely examined on the spot than they are at present by the Mamlutdar, who has not sufficient time to enter into so full an inquiry as a punchayet, and who thinks it enough to send all the parties whose names are mentioned as connected with the case to me, whenever I may be in the mehauls, for committal, although the prisoner is in fact taken up and committed, in the first instance, by the Mamlutdar, and is sent in confinement to my Adawlut, where business may prevent his examination for several days, when, after all, he may be released, and the evidences who have been in attendance found to be unnecessary.

The great reluctance of people to come forward as witnesses, and their little regard to truth when evasion may save them the trouble, inconvenience and expense of a journey, and of detention from their business, all combine to prevent their attendance; whereas the most ample evidence and the real truth is more likely to be obtained on the spot, than at a distance from the scene where the crime is committed.

I have the honour to be, &c.

(Signed) JOHN BRIGGS,
Political Agent in Candeish.

EXTRACT *from* SIR JOHN MALCOLM'S REPORT *on* MALWA.

Extract from Sir J. Malcolm's Report on Malwa.

71. If a murder or robbery is committed, the party or parties suspected are apprehended and examined by the manager of the tacan or pergunnah, who either hears the case himself, or calls in the aid of a punchayet, or tribunal of not less than five of the principal public officers or inhabitants, to inquire into, and report upon it. One of the principal Durmekdars or officers of Government (usually the Furnavees of the district), the Zemindar and the Canongoe, or keeper of the records of the land, are invariably members of this court of investigation, for so it may be called.

72. An abstract of the evidence and opinion of the punchayet, which conducted its proceedings in the presence, and generally under the protection of the manager, is transmitted to the Dewan, who gives orders to have the prisoner released, punished, or sent to court, as he sees proper These punchayets are called by petty Mahrattas, Komeedars; more perhaps for their own safety than from any regard for either the forms or substance of justice. Such a proceeding is chiefly resorted to by persons who desire to avoid the complaints and accusation to which they would be exposed if they decided, or even reported on criminal cases, without having recourse to it. More powerful managers are not

not so guarded, and often decide upon criminal cases without resorting to any such aid, the same feeling occasions these punchayets being seldom formally resorted to in criminal cases by the ruler or his Dewan, when the offence is committed at the capital or the vicinity; but even in such cases they are at times assembled, and when the turjummah* or abstract of proceedings is submitted to the Prince, he takes the opinion of the Shastree or any person learned in the law, regarding the punishment that should be awarded, and the sentence is always in such cases made in conformity with the Hindoo law.

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Extract from Sir J. Malcolm's Report on Malwa.

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73. In offences of a spiritual nature, when the case is clear and the facts undeniable, the most learned Brahmins are called to aid by their advice the judgment of their ruler. But when the facts are disputed there must, if justice is not disregarded, be a punchayet; and though that is in such cases chiefly composed of Brahmins, a Government officer, the Zemindars and Canongoes of the town or district (whether Brahmins or not) attend the trial.

A true Extract.

(Signed) J. BRIGGS,
Political Agent.

JOHN BRIGGS, Esq. *to* Wm. CHAPLIN, Esq.

Dated the 27th August 1821.

Mr. J. Briggs, 27 Aug. 1821.

Sir:

I have the honour to acknowledge the receipt of your circular letter of the 21st instant, referring to a circular dated 5th June. As no letter of that date has been received, you possibly allude to the circular of the 6th June, on judicial affairs, in which I am called to report the result of the arrangements relative to judicial matters, arising out of the instructions conveyed in your letter of the 27th June 1820.

For the only alteration which I suggested founded on those instructions in the judicial department, I was so unfortunate as to incur your censure, and I have not presumed again to press the measure of having Adawlut Carcoons in the mehauls in the absence of Aumeens. In revising my establishment lately, conceiving that the Sebundy Carcoons in each talook had very little to do, I directed that they should keep the records and do all the writing part in the judicial business.

I do

* A report was made to me that murder was imputed to a fakeer at Nolye; I stated that, as it had occurred in Scindia's country, I could have no concern with it, and requested the Camavisdar should proceed in the usual course. A punchayet was, I heard, appointed, and on my expressing the wish, the following copy of the proceedings (as sent to Dowlut Rao Scindia) was sent to me:

Turjummah, or Abstract of the proceedings of a Punchayet held at Nolye, as registered in the Camavisdar's Office at that place.

" A fakeer called Gool Shah, inhabitant of Nolye, gave his daughter in marriage to Enam Khan, a young Patan of Bhopal, having stipulated that the youth was to turn a mendicant: this he agreed to, and both drank sherbet from the same cup—one of the ceremonies of invitation. It appears some garden-ground and a well was given as the bride's portion.

" Gool Shah had three chelas, or disciples; Enam Shah, Madhoo Shah, and Goolyar Shah. These people, being envious that Enam Shah should be preferred to them, determined to take his life, but failed in the first attempt, by his refusing to eat some poisoned sweetmeats. Upon this they attacked and wounded him so severely with a sword, that he died ten days after. The chelas fled, and all search for them proved ineffectual; but the fakeer was confined six months, when a punchayet was assembled, consisting of the heads of tribes and people of respectability in Nolye, who came to the following decision: (Sic orig.)

" That as no proof had been obtained of Gool Shah being concerned in the murder of Enam Khan, he should be released from confinement; but should the chelas who have absconded be hereafter laid hold of, and confess that they acted by order of Gool Shah, then he is to pay the price of blood. (This is the literal translation of the expression used.) Date 22d Mohurrum, 1228 Fusly, 9th Kootick, 1878 Sumbut.

(Signed) " Kazee Mahomed Fazeladeen.
" Bui Mahomed Omar, on the part of the Mahomedans.
" Luchmee Chund Chowdree, on the part of the Bunneads.
" Luhman Doss Chowdree, on the part of the Zemindars.
" Onkar Mulchowdree, of Zemindars."

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Mr. J. Briggs, 27 Aug. 1821.

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I do not precisely comprehend the nature of the question as to the result of the arrangements above alluded to; I can only answer it generally, by referring to my monthly judicial reports, in which it will be seen, that in the criminal department there are seldom more than four or five cases on the file, which are got over during the month, and frequently only one or two. With regard to crimes generally, I had the honour to report in my letter of the 10th July my opinion on that subject, and I cannot omit this opportunity of again urging the advantage of condemning highway robbers to transportation for life. There is an awful feeling in regard to this punishment among the Indians (unaccustomed as they are to quit their native country), in the contemplation of any eternal separation from their friends and family, that will be found, I think, on trial, sufficient to deter many from the crime above alluded to; yet as it carries with it only the dread of a protracted life away from their country, it will be still less dreaded than capital punishment, which I would reserve solely for instances of highway robbery attended with murder.

In civil causes no suit as yet has been decided by a Mamlutdar; he has no interest in doing so, and it is much more easy to transfer the business to a punchayet. This court it is now becoming difficult to get together, people alleging they have other business to attend to; it yields neither credit nor advantage. Some rules for the assemblage of punchayets and witnesses, which should ensure the regular attendance of the members, the parties, and the witnesses, seem necessary to render this court more efficient.

I have, &c.

(Signed) JOHN BRIGGS,
Political Agent.

H. D. ROBERTSON, Esq. *to* Wm. CHAPLIN, Esq.
Dated the 30th June 1821.

Mr. H. D. Robertson, 30 June 1821.

SIR:

I have the honour to acknowledge the receipt of your letter dated the 16th instant, and to enclose herewith, according to the prescribed form, a return of crimes cognized, and of convictions in the years 1819 and 1820.

I had last year, under date the 25th August, the honour of reporting to you the state of the police in my district. Since that time, up to the 1st January 1821, no alterations were made, and no particular excesses or crimes were committed that call for distinct notice.

The numerous commitments for murder arise from the propriety of losing no chance for discovering the perpetrators of this crime; many Ramoossees appear, therefore, to have been seized on suspicion, but who were subsequently released from want of evidence, or because they had been unjustly suspected. Ramoossees are always liable, from their declared predatory habits, to strong suspicion. It is a remarkable fact, however, that not one of them, notwithstanding their concern in gang and highway robberies, have ever committed murder, or have ever attempted to maim, excepting in self-defence, in those cases where such robberies were brought home to them; and that not a Ramoossee has, since the establishment of our Government in this district, been convicted of murder, and not one hanged. Those murders which have been traced will be found to have been instigated by the passions of jealousy, revenge, or avarice. They are seldom committed by several persons in concert. Robberies are committed chiefly by Ramoossees, whose caste, habits, and poverty may be said to be the reasons of their excesses.

Of all heinous crimes in the city of Poona, those of procuring abortion, and sodomy, seem to be the most prevalent. They are not considered offences of magnitude by the Hindoo law.

I enclose a statement of those heinous crimes committed in the collectorship of which I have yet obtained no trace. My district received an increase in November 1819, and subsequently another in June 1820. It is proper to bring

bring this to your recollection when drawing inferences from the comparative returns.

I have, &c.

(Signed) H. D. ROBERTSON,
Principal Collector.

Judicial Enclosures in Mr. Chaplin's. Report, 5 Nov. 1821.

Mr. H. D. Robertson, 30 June 1821.

Deccan.

H. POTTINGER, Esq. *to* Wm. CHAPLIN, Esq.

Dated the 25th July 1821.

Sir:

Mr. H. Pottinger, 25 July 1821.

I have the honour to acknowledge the receipt of your letter of the 18th instant, requiring a report on the police of this collectorship, together with a return of the commitments and convictions in the two last years, 1819 and 1820.

I beg to enclose to you a comparative return, drawn up according to the form transmitted by you.

The greater number of the murders in these two years have arisen from women instigating men, with whom they carried on an illicit intercourse, to kill their husbands; and of the remainder some have been perpetrated from motives of revenge, and a very few for the sake of obtaining possession of valuables about the person of the victim.

There have been seven more gang and highway robberies in the year 1820 than in 1819; and though the total in the abstract shews an increase of crimes, yet on examination it will be found they are chiefly of a secondary description. Thus in 1820, there are twenty-eight more commitments for "receiving stolen property," seventeen for "petty theft," thirty-three for "petty assaults," twenty-five for "attempt to excite rebellion," and fifteen for "extortion;" making a total of 1,818 commitments.

This increase in commitments of these descriptions has arisen from the most satisfactory causes, namely, the amended and vigilant state of the police, and the readiness with which all classes have come forward to complain on every occasion, under the conviction that their grievances, however trifling, would meet with ready attention, and be speedily redressed.

During the first year which this return embraces, I did not, in consideration of the laxity of the late Government on that point, mark the crime of "receiving stolen property" with any punishment, beyond obliging the purchaser or receiver to restore the goods to the rightful owner; but as I had issued two proclamations within that year (1819) on the subject, and taken great pains to explain in public cutcherry, when I was in the districts, as well as at Ahmednuggur, the view which our Government took of this offence, to check which is of the first importance to the well being of the subjects at large, I did not hesitate to visit it more severely in 1820, and I am hopeful my measures have had a decidedly beneficial result.

The "attempts to excite rebellion" were those of Narrayan Rao Holkar (who was afterwards executed for murder), and of a person who made a puerile effort under the name of the Rajah of Sattara; and in both these instances the alertness of the police, assisted by the Sebundies, was very conspicuous.

You will perceive that there has been a very considerable diminution in the crime of wilful perjury in the year 1820, which is, I am satisfied, to be solely attributed to the people finding that it was invariably punished when discovered, and I do not at this moment recollect a single instance of its having occurred in the six months of this year which have elapsed.

With respect to the future improvement of the police, I am not sensible of any suggestions which I can offer at this time, beyond the general ones of its being indispensably requisite to exact from the village authorities the strictest obedience and respect for the ancient usage of the country, as to being answerable for the production of all thieves and delinquents traced into their bounds,

Judicial Enclosures in Mr. Chaplin's Report, 5 Nov. 1821.

Mr. H. Pottinger, 25 July 1821.

bounds, and whom they cannot show to have quitted them, as well as in all other matters which are prescribed by immemorial custom, and on which I need not enlarge.

It is likewise requisite never to relax in the terms of the agreements entered into by the Bheel and Ramoossee naiques in our employ, and above all it is necessary to teach the Camavisdars to know that their continuance and their situations depend quite as much on their attention to police as revenue affairs.

If these points are always borne in mind, and are acted up to, combined with undeviating punishment (whatever period may have elapsed after the commission of the crime) of offenders when apprehended, the tranquillity of the country must be ensured; and, indeed, when the supineness, or worse, of the Mahratta authorities, the state of society to which their conduct had led, the facility which a thinly populated country like this affords to robbers, the existence in these districts of numerous Bheel and other hordes, who till very lately lived by plunder; when all these are considered, it seems to me only matter of astonishment that the crimes, in such an extent of territory, should be so few as these reports shew.

I may add, that by the transferral of many of the districts of Gungterry, including Nenbur, Ellora, &c. to this collectorship in 1820, the country under me received an addition of about one-third more; which fact is to be placed in the scale when weighing the crimes for the two years included in the return.

I have, &c.

(Signed) H. POTTINGER.

SECRETARY *to* GOVERNMENT *to* Wm. CHAPLIN, Esq., *Dated the 24th January* 1822.

Secretary to Government. 24 Jan. 1822.

Sir

1. I am directed to reply from this department to the fifty-eighth and following paragraphs of your report, dated 5th November last, relating to the judicial and criminal business of the authorities in the Deccan.

2. The Governor in Council hopes that your personal observation may lead to some explanation of the paucity of civil suits in Candeish; he hopes also that the same opportunity may enable you to decide whether the means at present adopted sufficiently shew the manner in which suits before the Mamlutdars are disposed of, and if they can be made more effectual for that purpose.

3. On the general question of the manner of employing punchayets, the Governor in Council awaits the promised returns, as well as the opinions of the Collectors, as to the effect hitherto produced (which, if not already furnished, you will be pleased to call for); and finally, the conclusions drawn by your own experience and observations. In the mean time the Governor in Council has to remark, that the various plans proposed of compelling the service of members in turn, according to a roll of the inhabitants, of remunerating them for their services, &c. should not be adopted without full consideration; for though it is obvious that they would remove present difficulties, there seems reason to apprehend that they would ultimately produce still more serious evils. To the first of these arrangements it may perhaps be objected, that it would destroy all the interest which may at present be felt by the members of punchayets in the decision of the cause, and would place each case before persons as little acquainted with the circumstances and character of the parties as an European judge; and the second plan is no less open to the objection, that without affording a real compensation for the time lost in attendance, it lowers the character of a punchayet by rendering it a business of hire, and that it may entail as heavy an expense on the parties as that produced by the fees on the regular system of the Adawlut.

4. The Governor in Council has no doubt that these bad consequences will be weighed against the opposite advantages, in your final report, and he only notices

notices them at present as reasons for delaying the immediate decision of the questions to which they relate. Secretary to Government, 24 Jan. 1822.

5. The suggestion relative to the transportation of criminals is under the consideration of Government. Deccan.

6. The Governor in Council notices with great satisfaction the exertion made by Captain Robertson, and the success that has attended his efforts to clear off his civil business.

7. The regular administration of criminal justice, and the efficient state of the police, reflect great credit on the administration of the same Collector.

8. The revision of the causes tried by the Assistant at Ahmednuggur, as suggested in paragraph 97, is judged indispensable, and is authorized.

9. The great disadvantages to which the police of Ahmednuggur is exposed have not escaped the notice of the Governor in Council, and are remarked as greatly enhancing the merit of the vigorous police, by which the tranquillity of that district has been protected.

10. The great attention bestowed by Mr. Thackeray on the administration of justice, entitles him to the particular acknowledgment of Government.

11. The employment of native Aumeens, or Moonsiffs, under proper checks, and with due precautions to protect the upper class of natives, and the appointing Registers or Judicial Assistants, are under consideration.

12. The Governor in Council would be happy to receive a draft of rules prescribed for the conduct of Aumeens.

13. The suggestions conveyed in paragraphs 127 and 129 are entirely approved. That in 128 will be pointed out to the notice of his Excellency the most Noble the Governor General in Council, but the Governor in Council is apprehensive that the arrangement recommended in paragraph 120 will be found, for the present at least, to be unattainable.

I have, &c.

(Signed) J. FARISH,
Secretary to Government.

REPORT *of* WILLIAM CHAPLIN, Esq. *to the* SECRETARY *to* GOVERNMENT,

Dated the 20th August 1822.

SIR

I have had the honour, in a separate letter of this date, to explain the particulars of the settlement of Revenue of each of the collectorates in the Deccan for fusly 1230, and to exhibit a detailed account of the charges; but having, in the course of my tours during the last and preceding cold seasons, had an opportunity of holding a personal communication with all the local officers in the districts north of the Kistna, it is incumbent upon me further to submit, for the consideration of Government, the additional information which I have been able to glean from actual observation of the present system of management. As I halted at a great number of villages in the collectorates of Poona, Ahmednuggur, and Candeish, for as many days as were requisite for an examination of their accounts, and for an inquiry into local usages, I may with the more confidence endeavour to explain the manner generally in which the fiscal administration is conducted under the existing plan of a Ryotwar settlement. Mr. Chaplin's Report, 20 Aug. 1822.

2. The experience of above two years and a half has already enabled me to show how far the schemes projected by Mr. Elphinstone for augmenting and improving the finances, and for retrenching the expenditure, have been accomplished. How far the general line of policy has been pursued or departed from, and in what degree the result has been favourable or otherwise to the popularity of our Government, and to the interests of the several classes of our new subjects, will be points which I shall advert to in the sequel.

Mr. Chaplin's Report, 20 Aug. 1822.

Deccan.

3. On the subject of the affairs of the Deccan generally, the comprehensive and luminous report of the Honourable the late Commissioner has however anticipated a large portion of the information of value that seemed desirable; I must therefore solicit indulgence, if my present report shall in these respects appear defective, and shall contain some repetition of matter already so ably recorded.

4. The financial report which I had the honour to forward to Government on the 19th June last, exhibits the improvements which have actually taken place in the resources of the Deccan, contrasted with those which were anticipated by the Honourable the late Commissioner, as stated in his report to the Supreme Government. The following short abstract exhibits them in one point of view, and I have only here to repeat that a very large proportion of those improvements, which were expected to ensue in ten years, have been brought about in two years and a half. It is necessary to observe that there is a discrepancy between the statement of reductions annexed to my Revenue letter of this date and that now submitted: the former is taken from the actual accounts of fusly 1229, but the expenses shown in the latter from No. 5 R. are only an estimate. There is also a difference in the classification of Sebundies as civil expenses, or separately as Sebundies, which occasions a slight variation; but the amount is too inconsiderable to affect the general accuracy of the account.

INCREASE *of* REVENUE.

———	As per Statement, No. 5. R, from the 1st Jan. 1820.	Improvement anticipated in the Report.	As it was expected to stand the 1st Jan. 1830.	As per Accounts 1st June 1822.	Improvement already expected, including addition of Revenue.	Excess in Revenue above the estimated Improvement.
	Rupees.	Rupees.	Rupees.	Rupees.	Rupees.	Rupees.
Revenue..........	59,60,296	10,00,000	69,60,296	76,63,411	17,03,115	7,03,115

REDUCTION *of* EXPENSES.

———	As per Statement, No. 5. R, from the 1st Jan. 1820.	Reductions anticipated in the Report.	Expenses as they are expected to stand the 1st Jan. 1822.	Expences as they stood 1st Jan. 1822.	Saving already effected.	Remaining Reductions to be effected.
	Rupees.	Rupees.	Rupees.	Rupees.	Rupees.	Rupees.
Commissioner.....	4,00,000	3,00,000	1,00,000	1,86,586	2,13,414	86,586
Civil	17,42,571	7,00,000	10,42,571	13,26,863	4,15,708	2,84,292
Sebundies, &c.	8,50,000	4,00,000	4,50,000	5,75,600	2,74,400	1,25,600
Auxiliaries........	17,14,530	12,00,000	5,14,530	4,80,000	12,34,530	....
Military..........	70,29,180	16,00,000	54,29,180	59,69,652	10,59,528	5,48,472
Total saving....	....	4,20,000			31,97,580	10,36,950
						34,530*
Add expected increase of revenue	....	10,00,000				
						10,02,420
Total improvement	....	52,00,000			49,00,695	7,03,115†
Remains improvement to be effected in seven years and a half..					2,99,305	2,99,305
Total........ Rupees					52,00,000	

* Deduct excess in reduction of auxiliaries. † Deduct excess in revenue.

5th,

Mr. Chaplin's Report, 20 Aug. 1822.

Deccan.

5. For a particular account of the extent of each collectorate in square miles, I beg leave to refer to the answers of the Collectors to my Queries. I had entertained hopes before this period that I should have received regular statistical tables from each of the Collectors, drawn up from actual returns of the population and stock of the country; but they have not reached me in a form sufficiently complete to enable me to give correct abstracts of the whole.

6. By the information that has been furnished, it may be roughly computed that the whole number of square miles in the provinces of Candeish, Poona, Ahmednuggur and Dharwar, amount to 700,000, and that the aggregate of the population, exclusive of villages belonging to Scindiah, Holkar, the Nizam and others, which are intimately mixed with our territory, is 1,795,700; but this does not include the city of Poona, the alienated villages in that district, the late cessions from the Nizam, nor the wandering tribes. By a comparison of the revenues of the excluded portions of the country with those of our own possessions in the neighbourhood, the population of which has been best ascertained, I have framed the following estimate, which I think will be found very near the truth. As Colapore is not included, it corresponds nearly with Mr. Elphinstone's estimate of four millions:-

Poonah	484,417 souls.
Nuggur	650,000
Candeish	417,976
Dharwar	684,193
	2,236,886
Southern Jagheers	778,183
Sattara	736,284
Total	3,751,353

7. The number of Government villages is 7,229; the number of villages alienated as jagheer surenjam, &c. is 2,252, and the proportion of alienated to circar is about one of 375.

Revenue System.

8. The settlement of each village rises or falls with the increase or decrease of cultivation. It is now made by the Collector and his cutcherry, through the Potail and Koolkurnee. It is professedly the Ryotwar, and is so essentially; but the individual distribution is left with a good deal of latitude to the village officers. It ought, when made, to be closely examined, and confirmed by the Mamlutdars in every village; but many of them, either from want of experience of such detail, or for reasons less excusable, do not trouble themselves with such minute investigations. The Potails are, of course, best able to make a fair distribution of the village assessment, and if we could trust them with the task, it were better that they should not be interfered with; but owing to the absence of effectual check on the part of the Mamlutdar, it is often unequally made, and the full advantages which would result alike to the Government and the Ryot from an equitable distribution, are not always secured. When the Mamlutdar knows his business, and exercises his authority with moderation, the system gives great satisfaction. Mahratta Mamlutdars are, however, sometimes above their duty: and as they are worse paid under us than under the late Government, the punctual performance of so laborious a task as that of making the jummabundy in detail is hardly to be expected from them. This is rather a disadvantage under which the Ryotwar system labours in the Conquered countries; but those who condemn all minute scrutinies may perhaps consider it in a different point of view.

9. The principles on which the settlement is directed to be made are explained in my circular to Collectors, issued on the 9th December 1820. It has already been submitted to Government, but I annex a copy to this report for facility of reference.

10. The present system does not essentially differ from that which was followed in Nana Furnaveese's time, except that the Mamlutdars have now less discretionary

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discretionary authority to increase or decrease the rents. The settlement was then formed according to the village rules or durs, as far as they could be ascertained; whether they had their origin in former surveys, or were founded on long established usage, the welfare of the Ryots was consulted, and if the assessment was found too high, it was either reduced or temporary abatements were granted. The mamlut or management of a district was not given, as has been subsequently the practice, to the highest bidder; the Mamlutdar had not therefore so direct an interest in rack-renting the district. The settlement was in effect a village settlement, as far as the Mamlutdar was concerned, since it was left to the Potail to settle the amount of individual rents. The Mamlutdar, however, if he could not realize what he conceived to be a fair standard of settlement from the Potail, sent his Carcoons to make the settlement in detail with the Ryots. The system differed, therefore, little from the present mode of settlement, except perhaps that the Potail had occasional opportunities of profiting by exactions or by concealment of resources, to a greater extent than he now has under the Collector's more vigilant superintendence.

11. The contrast to the comparatively patriarchal scheme of management of Nana Furnaveese, which is presented under the farming system of Bajee Rao, has been too often described to need any further illustration. The exactions of the ill-paid agent of revenue contractors were as oppressive to the Ryots as they were often subversive of the authority of the village officers; these oppressions no longer exist, and the legitimate influence of the Potails is restored. The payments of the Ryots are fixed with reference to their cultivation and to the receipts of former times, after deducting all extraordinary contributions or arbitrary exactions. The Potails, too, have reason to congratulate themselves upon the change; they are relieved from all extortion, and though they cannot abuse their power, they may use it to all legitimate purposes, without any of the vexatious interferences to which they were subjected in the latter times of the late Peishwa. The change may not be entirely acceptable to a few whose unauthorized emoluments are diminished by our better supervision, but it is satisfactory to the generality; and that it is beneficial to the Ryots, whose burthens are lightened, cannot for an instant be questioned. One of the chief merits of the Ryotwar system is, that it enables us to know the Ryots, and them to become acquainted with us; whilst under any other mode of settlement they are kept in the back-ground, and are hardly heard of except as complainants. The contract may be prejudicial to them in a few instances where the old rates of assessment, which had been long lowered or abandoned, have been injudiciously resorted to; but for the most part it has been favourable in determining the limit of demand upon them, and restraining extra exactions, as far as they can be checked in the present vitiated state of Mahratta habits, in the correction of which their antipathies to corruption are so little efficacious.

12. The principal Collector in the Southern Mahratta country, in his report upon the settlement, describes the rules by which he proposes to make his jummabundy, until the survey that has been instituted shall have been completed, to be as follows:

13. Either he or one of his assistants make the village or Mouzewur settlement of all the villages in every pergunnah, and the Ryotwar or individual distribution of the rent of one or more villages in each, the ryotwar of the rest being made by the Mamlutdar, and checked by a revision on the part of the Collector. In cases of altercation respecting the fair amount of individual rents, or allotment of fields, the dispute is settled by a Punchayet of ryots. The same course is followed when Ryots throw up their fields, and a difference arises as to the portion of good and bad to be retained. When a part is relinquished, it is required that the arrears of the current year shall be paid up, and that timely notice of intention to quit be previously given. Land improved by the stock and labour of the Ryot is allowed to be reclaimed, though temporarily abandoned, provided the arrears of the assessment are discharged. Great encouragement is held out to those who form tanks or dig wells; the dry land assessment only being taken for a course of years, with reference to the expense incurred, and at the end of the period a share equal to a third or a fifth of the land so cultivated is given in enam to the improver. The kooruns or grass lands are rented out as usual, with the reservation of a small portion as common for the village cattle. Distraint of the implements of husbandry

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bandry and trade, is on no account allowed. As a security against unfounded claims to remissions, all the pottahs provide that the whole body of Ryots shall be collectively responsible for balances; but the general responsibility for individual failures is not enforced, except in very peculiar circumstances, and all balances of one year are remitted, if not realized before the first kist of the following season. Mr. Thackeray also proposes that no distraint of a Ryot's property shall be allowed on the part of private creditors unless the creditors agree to pay the Ryot's rent: a proposition well calculated, I think, to secure the rights of Government, which are otherwise liable to be compromized. In order to encourage the unemployed soldiery and others to betake themselves to agriculture, the Collectors allow to such persons a remission in the full rent, which varies according to soil and circumstances. He adverts to the monopoly by the district Zemindars of the rights of Potails and Koolkurnees of villages, an inconvenience which prevails to a great extent in some of the southern districts, and which effectually prevents the Government officers from acquiring any knowledge of the internal resources of some of the mehauls. I agree with him in thinking, that the only remedy for this abuse is to remove such Zemindars from the Potail and Koolkurneeship, on proof of their malversation or incapacity.

14. With a view to the improvement of border villages, which have suffered more than others from plunder, Mr. Thackeray suggests that they should be disposed of at a low fixed rent for four or five years, until by survey a fair assessment shall have been fixed on each acre of land, by which means alone waste will be rendered valuable. The measure proposed differs from a village lease, which places the Ryots at the mercy of the renter, inasmuch as it is intended that the Collector shall retain the superintendence of the Koolwar distribution, and thereby be enabled to prevent abuses. The scheme appears to me to be unobjectionable, if it be so managed that the agricultural stock and population of other villages be not drawn off to the cultivation of those on the frontier.

15. I have already submitted to Government a translation of some general orders issued by Mr. Thackeray for the guidance of his Aumildars, and the inferior district servants; they are drawn up with judgment, and when vigilantly enforced, cannot fail to prove of infinite advantage to the prosperity of the Ryots, and to the interests of Government.

16. In my report of the 5th November I recapitulated, from each Collector's jummabundy letters, the mode in which they respectively conducted the ryotwar settlement, as far as I was enabled to do so from their explanations. For any more particular information on this head, I beg leave to refer to those documents.

17. Any elucidation that may be required of the jummabundy of Candeish will be furnished by the figured statements which accompany Captain Briggs' report of the 18th December last, and by my correspondence with that officer. On my arrival in Candeish in December last, I found that the Political Agent, owing to the want of all accurate accounts by which to determine the rates of rent, had caused a measurement to be made of the cultivated lands, and had framed and partially introduced new tables of assessment, founded, as he states, on the average contribution of the Ryots in any shape for the last ten years. In these tables the land was divided into three sorts, classed with reference to the depth of soil, ascertained by digging it; and for each sort, in each mehaul, one uniform rate of rent was established. It having, in the absence of all authentic records, been impossible to find out what the Ryots really had paid individually for the ten preceding years, the arrangement, as might have been foretold, failed to give general satisfaction. In effect, it produced a sudden and rather violent alteration in the quantum of rents payable by each cultivator; and the inequalities were so loudly and so justly complained of, by those whose rents were raised, that I deemed it proper to point out to Captain Briggs the injurious consequences that were likely to result from them. The subject being already before Government, I need not enlarge upon it further than to state, that the new classification assessment was not acted upon to any great extent, and has either been

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modified or discontinued, early enough, I trust, to prevent the evils that would infallibly have attended so hasty an innovation.

18. Captain Briggs represents the circumstances of the cultivators in general to be comparatively easy, by which, I presume, he means that they are better now than under the former Government; but he ascribes this condition, as well as their capability of paying the present rates of assessment, to the high prices to which grain had risen, and he thinks that prices having now fallen, the assessment must now be reduced. My opinion on this point has been already submitted; a temporary remission is perhaps indispensable to meet the depression of the market; but when things come to their own level, the aggregate of the settlement, contrasted with former realizations, does not appear to me to be immoderate, nor does it exceed either the ratio in which cultivation has been extended in Candeish (always supposing the returns of cultivation to be at all accurate), nor the augmentation which has been made in other collectorates, apparently without any general pressure; I say (Sic orig.) general, because I apprehend that in Poona the assessment has been partially pushed to too high a pitch, and that, in consequence, some of the more substantial cultivators have contracted the extent of their farms, so that a defalcation may be expected in the year 1232, on which we are now entering. Some complaints which had reached me on this score were long ago brought to the Collector's notice.

19. It has been already shewn, in detailing the items of increase and decrease in Candeish, that ample remissions were made in the settlement of 1230 to meet the partial failures of the crops that appear to have occurred for want of rain. It had been better had they been still greater, rather than that the measure of levying from five to eight or ten per cent., on those whose crops were good, should have been resorted to. This expedient was adopted in order to avoid exhibiting a larger defalcation, which would otherwise have appeared; but however salutary it may sometimes be, it is rather a dangerous one in districts whose resources are much dilapidated. In the discussions which have been laid before Government, I took occasion to inculcate a caution to Captain Briggs against making these extra tupees, or levies, except under peculiar circumstances, when alone they are politic and justifiable.

20. Candeish possesses great capability of improvement. The dilapidated remains of more than one hundred substantially built dams fordiverting the water into channels for irrigation, many of them constructed at prodigious expense, attest the liberal and enlightened policy of the early Mahommedan monarchs. The Political Agent is gradually restoring some of these works; but little can be done till an increased stock and population shall render them available. With some few exceptions of enam lands allotted for the duty of clearing out these aqueducts, the expense of maintaining them devolves upon the Government.

21. The Honourable the late Commissioner, in his report on the Deccan, has forcibly pointed out the necessity of moderation in fixing the assessment of this once flourishing district; which, since the devastation of Holkar's troops in 1802-3, the famine of 1803-4, the subsequent farming-system, the incursion of Pindarries, the ravages of Bheels, and the exactions of insurgents, has been reduced to the verge of ruin. I shall not fail to remind the Political Agent of this policy, should he at all deviate from it; but some allowances must be made for the difficulty of drawing the line between a moderate and a high assessment, in the absence of all authentic records of the ressources. The frequently recurring excesses of the Bheels, must at present tend to prevent any rapid improvement. The destruction by tigers is another serious obstacle, in proof of which it may be stated that sixty of these animals have been killed during the last three months, and that 500 human lives, and 20,000 head of cattle, have been destroyed by them in three years.

22. There is little in the jummabundy letter of the Collector of Poona that will not be adverted to in the sequel. It is very short; but its brevity is compensated by the amplitude of his answers to my queries. These answers evince much research, and contain a good deal of valuable information, to which I beg

beg leave to invite the consideration of the Honourable the Governor in Council; when I differ from the Collector in matters of any importance, my sentiments will be stated in the course of this address.

23. The Collector of Ahmednuggur in making his settlement granted considerable remissions, which were rendered necessary by the partial failure of the crops. He settled the gram khurch, as in the preceding year, at six per cent. of the jumma, including mehaul warshasuns, dewasthan allowances, nemnooks payable in the districts, and allowances by Zemindars, Potails, &c. When I come to speak of the gram khurch, I shall notice some objection to this mode of fixing the amount, which led to my furnishing some general instructions to the Collector, for its better regulation in future.

24. In many parts of Ahmednuggur the rates of rents are quite undefined, as in other collectorates, and some attempts appear to have been made to adjust them with reference to the supposed kumal and tunkah settlements. But the principles on which the adjustment has been made have not been fully explained; they are meant to produce a gradual rise of the jumma, and are called istawa arrangements; but adverting to the imperfect data on which they appear to have been founded, I have great doubts of their stability, since they appear to me to rest more on general assumed views of former realizations, than on any actual resources of present cultivation.

25. These istawas do not, I believe, prescribe that the Potail shall grant waste lands according to any fixed cowlnamah; the Ryots are not, therefore, sufficiently guarded against exaction; nor is adequate provision made to enable the Collector to ascertain with ease what cowls are given, and how far they are acted up to or evaded. The settlement in some places appears to have been made on a sort of lease not exactly conformable to any uniform scheme; this lease extends to three, four, five, six, or seven years, till the rent rises to a real or assumed kumal standard. It lays down a loose sort of classification and assessment of the land, in conformity to which the heads of villages agree to pay the increase; but, as far as I can understand of a system which accords neither with a village lease nor a Ryotwar settlement, the rules under which it is formed are so vague and indefinite as to furnish little security to the Ryots against exaction, and as little to the revenue against embezzlement.

26. In the districts transferred from Ahmednuggur to Poona, Captain Robertson informs me this sort of settlement prevails, and as cowls have been granted to the Potails, they cannot be superseded without a breach of faith. Where the villages possess no waste land, from which additional assets are derivable, this russud or increasing jumma must be rather disheartening to the Ryots, and it may subject them to some oppression on the part of the Potail; but in this case the Collector will, of course, feel himself at liberty to cancel the engagement, so that the evil will, it may be hoped, be only of a transitory nature.

27. In all istawas there ought, I think, to be a clause binding the renter to keep separate registers of the fields for which the Ryots pay the full rent, and of those which are to be held in cowl, and the distinction ought to be made in the Ryotwar pottahs. In enumerating the fields held in cowl, the number of beegahs contained in them, and the amount to be paid till the term expires, should be particularly specified. Registers of all such individual cowls should be kept and furnished to the huzzoor cutcherry, and whatever alterations occur from year to year should be noted in them at the time of the settlement, by which precaution irregularities and frauds will in a great degree be obviated. At present the favourable condition of the cowls are often abused, sometimes to the detriment of the Ryots, and sometimes to the injury of the revenue. Captain Pottinger's istawas sometimes include meerass as well as oopuree land, though the rent of meerass ought, in all ordinary circumstances to be fixed and unvariable.

Village Charges.

28. A considerable reform has been effected, since the accession of our Government, under the head of village expenses.

29. The accompanying table will show the amount of gram khurch in three of the collectorships, divided into its separate head, of 1st. Allowances to Huck-dars,

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dars, Daismooks, Daispandees, &c.; 2d. To Potails and Koolkurnees, and Village officers; 3d. Petty village charges. With a view to assist the judgment as to the present rate of disbursement on these several accounts, a comparison is drawn between the charges during Nana Furnaveese's administration, those of Bajee Rao's time, and those of the last fusly under our Government. From this document it will be seen that the allowances to Zemindars, as well as to village officers, are nearly equal now to what they were at any former period; and if we take into consideration the undoubted circumstance that they are now paid more regularly than ever they were, the advantage will preponderate in favour of those of the present day. The item, however, of petty village charges is reduced by about two-thirds; but adverting to the abuses that were formerly committed under this head, and to the relief that is now afforded to the heads of villages from sundry exactions formerly defrayed out of this fund, I am persuaded there is no good ground to complain of our economy.

AVERAGE *per Centage of Allowances of Huckdars and of Gram Khurch.*

DISTRICTS.	Huckdars, Daismooks, and Daispandees, &c.			Potails, Koolkurnees.			Gram Khurch, including Justee Khurch, or Extraordinary Disbursements.			TOTAL.		
	During the Administration of Nana Furnaveese.	During the Administration of Bajee Rao.	For the Year 1230 Fusly.	During the Administration of Nana Furnaveese.	During the Administration of Bajee Rao.	For the Year 1230 Fusly.	During the Administration of Nana Furnaveese.	During the Administration of Bajee Rao.	For the Year 1230 Fusly.	During the Administration of Nana Furnaveese.	During the Administration of Bajee Rao.	For the Year 1230 Fusly.
Poonah	3 8½	3 0½	2 12½	1 8	1 9½	1 3½	11 11	12 3	2 8¼	16 11½	16 12	6 8¼
Ahmednuggur	2 6½	2 12½	2 11	1 1½	1 4	1 6	10 8½	10 2	5 6¼	13 15½	14 2½	9 7¼
Candeish	2 6¼	2 5¼	2 7¼	4 6¼	5 4	4 5	11 7½	14 10¼	4 15½	18 4¼	22 3½	11 12¼
Total......	8 4¼	8 2¼	7 15¼	6 15¼	8 1½	6 14½	33 11	36 15¼	12 14	48 15¼	53 3	27 11¾
Average....	2 12	2 11½	2 10½	5¼ 2	11 2	4¼ 11	3½ 12	5 4	4¼ 16	5 17	12 2	9 3¾

30. The averages are formed from the accounts of a number of villages for a series of years in each collectorate, including Huckdars' payments. The whole amount of charges is forty-three per cent. less than it was under the old Government; but the villages have no longer to answer the demands of sturdy mendicant Gosseins, who formerly besieged them in bodies of thirty or forty, till they got a day's meal. They do not now entertain the public servants as formerly; they have no demands for purveyance to satisfy, no public cattle or horses to feed, nor is there the same necessity for bribing the public servants, nor the same amount to be paid of fees, fines, and divers sundry indefinite claims, which it would be tedious to enumerate.

31. The village charges may be divided into two heads: those which are incidental and fluctuating, and those which are permanent.

32. The permanent are the allowances to Huckdars, such as the Daispandees, Sir Potails, Canongoes, Norgours, Naicks, &c.; Potails, Koolkurnees, Chowgullas, Mahjuns, and Shetties.

33. The fluctuating and incidental are the allowances to temples for Wurshasuns, and the various festivals, Hindoo and Mahommedan, Batta to Moccuddums in attendance during the jummabundee at the Hoozoor, stationary

tionary alms to beggars, nuzzers to the Circar, and expenses on sundry petty occasions of ceremony.

34. In all times of regular administration, the permanent and contingent village charges and assignments upon villages were made out of the gross jumma, and the balance formed the Government revenue. The authorized expenditure on account of gram khurch no doubt fell chiefly on the Ryot's share of the produce: but the amount was ascertained, and not left to be determined at the discretion of the village officers. The Collector's judgment in making the settlement of each village must now decide whether, after deducting these charges, the total settlement (whether it be called kumal or tunkha) is apportioned or not to the circumstances of the cultivators. In some villages, however, there were extra puttees levied purposely to defray some of these charges over and above the gross jumma. In those cases, the reduction of putte ought to keep pace with the diminution of the expense, except where the puttee is proved to be no more than the equivalent of an abatement which has been made in the ayen or original assessment on the land, in which case the saving may be justly added to the public revenue.

35. The expenses by some of the Collectors have been estimated as high as twenty-five per cent. in good times, and even fifty per cent. in bad ones; but I do not know on what data these estimates have been founded, and am disposed to think them greatly over-rated; they probably comprized extra cesses and contributions of every kind, many of which went to satisfy the rapacity of the native functionaries, and cannot therefore with propriety be classed with village expenses. I do not find that any legitimate ceremonies have been abolished, nor any festivities abridged, by our economy in the article of village charges. There is of course less extravagance, but no just source of amusement or rejoicing has been retrenched.

36. In Dharwar the amount of all consideration nemnooks, payable out of (*Sic orig*) village expenses, to Brahmins, pagodas, mosques, &c. is first remitted to the treasury, and after investigation distributed individually. All petty items of gram khurch are disbursed as usual by the village officers, and audited by the Mamlutdars.

37. Very little uniformity of system being observed by the different Collectors in regard to the gram khurch, and a doubt having been started by the Collector of Poona as to the principle on which settlements should be made, I deemed it necessary to circulate instructions on the subject, the copy of which is now submitted for the information of Government.

38. In fusly 1229 the Collector of Poona, conceiving that the gram khurch was payable from the Ryots, over and above the rent they were to pay to Government, formed his settlement accordingly, leaving all these items to be collected separately. The measure was, I think, founded on a misapprehension, that because the gram khurch was payable exclusive of the kumal, it was therefore to be separately collected from each Ryot; whereas the usual and general practice is, and has been, to include every item payable by the Ryot in the gross jumma of the village, then to deduct the village charges, and to strike the balance, which constituted the revenue payable to the Government treasury.

39. The practice of levying some items of the gram khurch over and above the rent payable to the Circar, has, I believe, been found partially to prevail; but it is one that is fraught with the most pernicious abuses, since it places the Potail's interest at variance with his duty, and infallibly leads to indefinite exaction from the Ryot beyond what is specified in his puttee. Captain Robertson, at my suggestion, has since discontinued the objectionable measure, which gave rise to some discontent in the year adverted to.

40. Until fusly 1230, the mokassa and other umuls in most districts were distinctly specified under their several separate heads, a measure which is still requisite where shares of each are held by different persons; where the whole now belongs to the Circar, the total only is entered in the accounts.

41. The former mode of payment to individuals is still continued. If it were before a fixed certain sum, it is now paid accordingly: if the share was a per-

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a per-centage upon the gross collections, the same practice is upheld. Where-ever the amount is variable it would save a great deal of trouble to make it a nemnook or fixed allowance from the treasury, which might be determined on a liberal view of the present, past, and expected produce of the village. The holders of these rights, however, though they might be gainers by the arrangement, have an objection to it, on the ground that they would become mere pensioners, and that in process of time their substantive right to a share of the village revenue would be lost sight of, from not being annually recorded in the village archives. They have been accustomed to witness so many revolutions of the Government, that they do not reckon much upon the stability of ours. The exception they take to the commutation of their hucks, for a fixed money payment, seems therefore by no means unreasonable.

42. In some cases, the Political Agent in Candeish appears to have paid the mokassa according to an average of the three preceding years; but he describes the Mokassadars as being averse to this system, on the ground that the revenue, and consequently their share of it, is improving, and that they should be losers were the amount now determined. To obviate this objection, it might perhaps be expedient to declare the payment fixed for a given period only, say three or four years, at the expiration of which it might be understood that the sum should be again regulated with reference to the then condition of the revenue; as they would eventually be no losers by this arrangement, since the annual increase or decrease of resources, depending on good and bad seasons, is uncertain, they would probably consent to it.

43. Whether the payment be fixed or dependent on the amount of revenue, the shares are collected and paid by the Government officers, except for those villages of which the largest share belongs to the Jagheerdar. Formerly the Mokassadars collected for themselves, but the change is obviously advantageous to the Ryot, who is relieved from one of the many facilities for exaction to which he was before exposed.

44. The difficulty which some of the Collectors experience in adjusting the umuls will be best exemplified by showing how these matters stand in the Ahmednuggur collectorate. Captain Pottinger states that the total number of villages within his district in 1230 was 2,647, of which 156½ are enam, 198½ renewed surinjamy, 179½ belong to Scindia and his dependants, eighty to Holkar and his dependants, and forty-four to the Nizam. Besides which, there are twenty-five villages assigned recently in jagheer which were under his Camavisdars in the preceding fusly. This leaves 1,963½ villages in the hands of Government, and in 1,442½ of them other states and various individuals hold different shares, some of which are very trifling, but which, nevertheless, tend to involve the final partition and adjustment of the revenue in a degree of complication which can only be understood by those who have to fix the relative proportion.

45. Captain Pottinger also shews, that in 408 of the 683½ alienated villages, above adverted to, the Government has the right to small umuls. which likewise add to the intricacy of th[illegible], and which it is hoped it will at [illegible] period be in our power to get commuted for fixed payments. From the above explanation furnished by the Collector, it appears that throughout the whole of the collectorship there are only 521 villages which belong exclusively to Government. The intricacy of the divisions of the revenue of a Mahratta village is clearly exhibited by Captain Pottinger, and by Captain Grant, in their answers to Revenue Queries.

46. The impossibility of preserving a strict uniformity of system in the several collectorates, arises from the want of all accurate accounts of the revenue. The district records of former Mamlutdars and Durruckdars have for the most part disappeared along with those functionaries, though here and there imperfect fragments are to be met with, exhibiting the revenue of whole villages, but seldom for any continual series of years in succession. The Zemindars ought to have in their keeping lists, exhibiting the Zumeen ihara, or account of the lands of each Mouza, and its assessment; but, in consequence of their long exclusion from employment, very few of them can produce these documents, and never in a perfect shape. The same observation applies to the Koolkurnees, whose records are almost always in the most mutilated

state,

state, full of falsification and interpolations, and never so authentic as to be implicitly relied on. The loss of these records is invariably referred to the times of former troubles, which have indeed been sufficiently frequent to account for their very general destruction.

Assessment and Tenures.

47. The difficulty which the Collectors experience in forming their settlement will be best illustrated by a short exposition of the various modes of fixing the assessment which are to be found in the Deccan. I shall not here recapitulate all the various local terms which are given to the numerous sorts of land tenements: I shall, however, endeavour to explain a few of their leading particularities. The subject has already been ably treated in the Honourable the late Commissioner's report, and its accompaniments; but the question is so important as to render it unnecessary that I should make any apology for attempting further to elucidate it.

48. Previously to entering upon it, it may be of use to give some definition of two of the terms which are of most common occurrence in all discussions connected with the land assessment in the Deccan; I allude to the kamil or kumal and the tunkha settlement. Both appear to have been formed by the Moguls or their delegates at different periods in different parts of the country, on a view of the productive power of villages in prosperous and tranquil times, when the Government was enabled to establish a high maximum rent. In process of time, as cultivation and population extended, the standard has frequently been altered: hence we find the kumal of many districts of comparatively modern origin. The kumal, in its usual and general acceptation, appears to be in effect what the literal meaning of the word imports, the full, entire, or complete assessment. The highest rent realized appears to have been assumed to constitute this standard, which, however, seems to have been formed at various periods. In some districts it bears reference to a survey supposed to have been made in the last years of the Adil Shahil dynasty, but of which no record remains; whilst in others it is evidently of modern date, as established by the Mahrattas.

49. The most approved standard of the kumal in the more northern parts of the conquered territory may be referred to the era of Mullik Umber's government; but scarcely any data on which it was formed are now extant. In the southern part of the Southern Mahratta country the principal Collector states, that the settlement of Hatim Khan, a minister of the Sawnoor Nabob about seventy-four years ago, is called the kumal. In the talook of Dummul and the adjoining pergunnahs, that of Naroo Babjee, concluded in fusly 1181. In Padshapore, the settlement of the Vesajee Punt, the Peishwa's quartermaster-general, made in fusly 1168; and in Badamee the jumma of Krishnajee Punt, Rustyah's manager, constitutes the kumal.

50. The tunkha appears to be a standard rent-roll of villages introduced by Akbar, under the able fiscal administration of Toodur Mull. It is said to have been grounded on a division of the produce ascertained by a survey of the lands; but whether it was fixed with reference to actual individual payments, or whether arable lands uncultivated were included in it, appears to be uncertain. It is doubtful also whether this rent-roll included land-rent only, or whether it included mohturfa and other taxes: I am rather disposed to think it did. The actual settlement, however, of each year, on Toodur Mull's plan, varied with the increase or declension of cultivation. The records of the tunkha are too incomplete to admit of our coming to any thing but a conjectural conclusion respecting it.

51. On whatever data the kumal or tunkha may have been formed, they do not appear to have superseded the necessity of occasional but partial local surveys, at subsequent periods; no general measurement has, however, taken place for upwards of a century. Whilst the Mogul Government was yet in its vigour under the last of the Nizam Shahee princes, Mullik Umber, the celebrated revenue intendant before alluded to, appears to have concluded a standard village settlement of all the countries under his control: this is said to have been fixed money-rent, formed with reference to an equal share of the crop between the Government and the cultivator; but more probably in the

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proportion of two-fifths to the former, and three-fifths to the latter. We unfortunately at the present day have no proof that the respective shares of the Government and the Ryot were determined on any given principles, nor can we trace many of the details of the settlement respecting which Mullik Umber, after once fixing the amount, is said not to have interfered; but it seems to be universally believed that the country is indebted to this chief for fixing a limit to demand, and if not for initiating the meeras tenure, at least for reviving and confirming this great benefit, by which a considerable portion of the land acquired most of the substantial qualities of private property, subjected however to occasional infringement, from which the peasant in India has never been entirely exempted.

52. Lands throughout the Deccan appear invariably to have been ranged under three heads, *viz.* dry land (zerayet), garden or plantation (baghaet), and turee, or wet rice lands. The dry lands are either regur or kalee (black) or musub (mixed). The black land in each village is usually subdivided into three sorts, according to the nature of its soil and situation. The mixed soil has sometimes more numerous subdivisions, according as it is rich or poor, sandy, stony, or inclined to clay. Wet or rice land is of two kinds: that which lies near the Ghauts depends on the monsoon rains for its cultivation; that which is situated in the more easterly districts is cultivated by means of wells, water-courses, or reservoirs.

Baghaet or plantation is usually divided into patusthul land, irrigated by aqueducts, or permanent channels; and motusthul land, watered by machinery from wells. Each sort has its separate classes.

53. The answers of the several Collectors to my Revenue Queries will shew the proportions of the different sorts of soils in each collectorate; they may be roughly estimated as follows:

In Poona:—

Black land	8 parts.
Mixed soil	3
Red ditto	4
Rice ground in the Ghauts	1
	—16

Of baghaet or garden cultivation, the proportion of the whole may be about one-tenth.

54. In Ahmednuggur, the proportion may be of

Black	9
Mixed	4
Red	3
	—16

Of this one-eighth may be baghaet, or capable of cultivation as garden.

55. In Candeish there may be of

Black	10
Mixed	3
Red	3
	—16

Of which one-fifth may be fit for garden cultivation.

56. In Dharwar the Collector stated the proportion to be

Black	9
Mixed	4½
Wet	2¼
Baghaet or garden	0¼
	—16

57. Of the land measures in use there is the greatest diversity. Former measurements, of which we have any records, seem usually to have been made with a rod of the length of five cubits and five clenched fists (equal to about nine British feet); one square rod making a pole, twenty poles one paud, and twenty pauds one beegah, and one hundred and twenty beegahs one chawar. At present, however, there is the widest difference in the size of the beegah, the term no longer conveying any adequate notion of the extent of land contained

tained in it; according to the above measurement it may be computed at about three-fourths of an acre.

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58. In some villages the measurement and classification are still ascribed to the period of Mullik Umber's authority; but the variations that have subsequently been made render it of very little use in forming our present settlement. These changes led to many partial new surveys in some of the mehauls, after the Mahrattas acquired posession from the Moguls, and the measurement of the baghact land having been made with a rod of a diminished standard, and a new classification introduced, almost all traces of the old survey are confounded or obliterated. The settlement thus enhanced is now in many places denominated the kumal; but it is framed so imperfectly, that we should often commit great errors if we implicitly adopted it as our standard.

59. Mouzinas, or registers of land, are occasionally found in a mutilated state in the possession of the Zemindars: these exhibit the extent of land in beegahs and chawars, and the average rates per beegah of each class of land, according to ancient surveys. But these genuine fragments of accounts are rare, and the series is seldom sufficiently complete to be of much practical utility.

60. In the Poona coll ectorate are to be found the kucha andpukha, or the large and small beegah, the chawar, the rookka, the tukka, the khundee or candy, and the mun or maund.

61. The latter were originally multiples of the beegah, the use of which, however, in many villages had been completely superseded, the quantity in beegahs being no longer shewn in the Koolkurnee's registers. The pukha, or large beegah, as nearly as I can learn, may be on the average equal to three ordinary beegahs, though it is sometimes found to contain four, eight, and even fifteen kucha ones.

The chawar, as before shewn, is equal to about 120 ordinary beegahs.

The rookka is ten beegahs, though in some villages it does not much exceed eight, and falls as low as five beegahs.

Forty-eight beegahs make one tukka; twenty muns or maunds are equal to one khundee or candy; from twenty to thirty or thirty-five beegahs are one khundee or candy.

62. The above diversity is found in the few villages which have come under my own investigation; but there are probably more measures in use in other parts of the collectorate, and in some places large parcels of land are assessed in the lump at a given sum, without any specification of the actual extent or rate per beegah.

63. In Ahmednuggur some other varieties are observable. Four beegahs there constitute a purtun, and thirty purtuns, or 120 beegahs, a chawar.

In some places twenty purtuns, each of four beegahs, form a doree of sixty beegahs; the doree, however, sometimes contains 120 beegahs, when the purtun is reckoned at six beegahs.

64. In other villages the tukka is in use, each tukka containing four beegahs on the khundee or candy of twenty maunds, each maund containing ten beegahs, or 200 beegahs to the candy.

65. Parcels of land are also sometimes assessed in the aggregate, as in Poona.

66. In Candeish the beegah is in general use, but in common with other measures, such as the out, which consists of twenty purtuns, each purtun being four beegahs; and perhaps a still greater variety, which have not come under my observation.

67. The mode of assessing in the lump whole pieces of land at a fixed sum, without any record of the extent, is still more common there than in the other provinces.

68. In Dharwar, the varieties of land measures are equally, if not more numerous. I beg to refer to Mr. Thackeray's statement for the particulars of them,

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them, as well as to my own revenue letter to the late Commissioner, under date the 25th September 1819, which forms part of the Appendix to Mr. Elphinstone's report.

69. Having premised this summary of the land measures now prevailing, which was in some respects indispensable to the clear understanding of the manner in which the land rent is determined, I shall now proceed to advert to the rates of assessment.

70. These rates differ in different parts of this province. Though each village where meeras, or the right of hereditary occupancy, is found, has very commonly one uniform rate or dhur for all the lands, it must not be inferred from this circumstance that the soil is all of one description: it is classed into first, second, or third sort, according to its quality and situation; but in proportion as it is good or bad, a smaller or larger quantity of land is assigned to the beegah. Hence the dhur, or rate of assessment, though ostensibly uniform, has every sort of variation. This practice seems to obtain in a plurality of villages in this collectorate; but in many of them separate rates are fixed for each class of land, which are supposed to have been those that were established by Mullik Umber.

71. The Koolkurnees occasionally exhibit accounts of ten, twenty, thirty, or even fifty years' standing, when it suits their particular interests or purpose to do so: in those accounts the rates of rent are recorded, but they are in general found to have undergone many alterations. Those who can shew no ancient records, are never at a loss to furnish either a fabricated set, or to give a traditionary account of the old rates. In some districts the Mamlutdars of the late Government appear to have re-measured, classed, and assessed the land, with reference, it is asserted, to the ancient surveys; but the rates, whatever they may have been, have subsequently been raised or lowered, in proportion as dhurbar khurch has been withheld or distributed during frequent changes of revenue officers, few of whom can be supposed to have been governed by any upright or very consistent principles of fiscal management.

72. In those villages in which one nominal uniform rate of rent prevails, the Ryots will usually be found to have apportioned amongst themselves the extent of land to be held by each with reference to its known produce; but in those villages where the rates differ according to the quality and circumstances of the land, such Ryot, of course, pays in conformity to an established classification.

73. In some villages all the lands are divided into parcels, on what is called the moonbundhee plan, by which the fixed sum to be paid for each parcel has probably been determined according to the proportions of good and bad land which it contains, and on a view, after a long experience, of the average produce of the whole; but no data of method by which the muckta, or fixed rent, was settled are now to be procured. Should such lands be relinquished, they are given to any one who consents to cultivate them at the moonbundhee rent; and if nobody is willing to offer for them, they are let at a reduced sum, or on an istawa cowl, progressively rising to the full fixed rent. In such villages, when an extra assessment is laid on by the public officers, it is distributed to each Ryot rateably to the rent of the parcel of ground in his occupation.

74. Whether, however, lands of this sort be held by Meerassadars or by Ooprees, the moond rent is considered to be the permanent assessment, which ought not to be exceeded, though to Ooprec tenants a remission of the amount is sometimes allowed.

75. In a few villages this mode of settling with the Ryots is carried on in still greater detail; instead of each parcel of land, each field having its stated rent. This method of accounting with the cultivator is called tikkee.

76. In addition to the original rates of assessment, the imposition of puttees or extra cesses became very common during the Peishwa's Government: they were frequently laid both on Meerassadars and Ooprees, or tenants at will.

77. The principal of them are exhibited in the accompanying statement. The whole of these cesses were not, of course, levied from all villages, though few villages were exempted from a part of them: the most exceptionable of them

them have been established since our acquisition of the territory, though many of the least obnoxious which have been fixed by public authority continue to be levied.

78. The mode of assessing the land in the Nawuls, or hilly country to the westward of Poona, differs from the practice observed in the eastern part of the sooba. In the Nana Mawul the original rent of rice land appears to be uniformly the same, and to have been fixed at some former period by a pahnee, which is an appraisement or conjectural estimate, or sometimes a measurement of the produce of the crops, the Government share of which was commuted for a money payment at a fixed conversion rate. The settlement is still made with the addition of the usual puttees, or extra items of assessment, after the following manner; such resembles very closely the practice adopted in the Kokun, as described in my letter to Government of the 21st November last.

		Mds.	P.	S.
Babtee.	Original rate of payment of beegah	8	0	0
	Surdesmookhee	$0\frac{3}{4}$	3	0
	Mukul Muztoot	$0\frac{3}{4}$	3	0
	Sahotra	$0\frac{1}{2}$	0	0
	Hug Chowthaee	$0\frac{1}{4}$	0	0
	Desaee	$0\frac{2}{40}$	0	0
	Total	$10\frac{1}{2}$	3	0

	Rs.	As.	
Converted into money at the rate of 24 rupees per khundee	12	11	0
Add puttees or extra cesses, ghee puttee at the rate of $1\frac{1}{2}$ seer 8 tanks price	0	$12\frac{3}{4}$	0
Ghulla puttee, at the rate of 3 rupees per candy, is on 8 maunds	0	$13\frac{1}{4}$	0
Sudder bhet, at the rate of $\frac{3}{4}$ rupees per maund, on 8 maunds is	0	6	0
Total per beegah ...... Rupees	0	15	1

Land on which wheat and Bengal grain are sown is called kalhanee.

The returns of a beegah are as follows:

	Mds.	P.	S.
Original share of crop	$1\frac{1}{4}$	0	0
Babtee, in proportions above shewn, for rice land	$\frac{1}{4}$	1	3
Total .... Maunds	$1\frac{1}{2}$	1	3

79. The conversion price of the above varies with the nature of the crop; but in Nana Furnaveese' time, an average rate was adopted in the public accounts (beras) of 40 rupees per candy, which would make the original rent of the beegah so cultivated ......Rupees 0 3 $4\frac{3}{4}$

Add puttees	0	0	0
Ghee $3\frac{3}{4}$ tank price	0	0	$7\frac{1}{2}$
Total	0	3	$9\frac{1}{4}$

80. The customary rates at which the different sorts of grain are converted into money are as follows:

Dhan, or rice in the husk, per candy .... Rupees	24
Chunnie or grain	45
Wheat	50
Mussora	40
Suttoo	20
Bullar	30

81. In lands which are denominated warkus zuman, situated in the midst of rocks and ravines in the hills, are sown the inferior sorts of dry grain, such as baggee

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baggee and nurree. The gross produce of the crop is merely estimated by the revenue officers, and a half or a third part of the whole being assumed as the Government share, it is commuted for a money payment at a rate which is established for each village. Besides this, rents, a small house-tax, and a tax on female buffalos, are levied. The house-tax is taken at the rate of $1\frac{1}{2}$ tukha (of which $\frac{3}{4}$ make a rupee) for each house, a sum equivalent to $7\frac{1}{2}$ annas $2\frac{1}{2}$ tukhas, or $12\frac{1}{2}$ annas per buffalo. Table-extra tax, one rupee four annas. The Potail, Chowgulla, Poojaree, Brahmins and Zemindars, are entitled by custom to some abatement in those extra cesses.

82. The Surdaismook is levied at ten per cent., and the sahotra at six per cent. on the money payments. In the turaf of Pourkhora it is the custom to renew the pashnee, or inspection of cultivation, every seven years, the accounts of which it is the province of the Daismook and Daispandee to render. The differences which are to be found in the mode of settling with the Ryots are not sufficiently great to need any explanation.

83. The lands held by the Bulloteedar, or village officers, called enam wotee, are assessed like those of the Ryots; but two-thirds of the gross produce are left to them, and one-third taken as the Government share.

84. In the turafs of Pauwnmawal and Undarmawul, the practice of paying a money rent instead of a grain rent convertible into money, obtains. The amount of the aneen, or original rent per candy, in which the accounts are kept, seems to be uniform; but the numerous puttees which are added must tend to make it exceedingly indefinite.

85. Some parts of the Mawul are said to have been formerly under the khot or village-rent system of management, which is described in my letter above adverted to.

86. After a pahnee had been completed, no alteration was made in the amount of the Government rent until a new pahnee took place. The exactions however of the more extended system of farming whole pergunnahs, in Bajee Rao's reign, were incompatible with the existence of these small farmers, who have in consequence been excluded from the management for the last twenty or twenty-five years.

87. The modes of fixing the assessments of the land are as various in the Ahmednuggur collectorate as they are in Poona, but nearly similar. In many villages the Meerassadars, like those of Poona, pay one nominally uniform rate of rent, but in proportion as the land is bad or good, hold more or less of it. In other villages defined rates are established for each particular class, varying with its quality and situation. A mukta, or fixed rent, in some places is also established for parcels of land, without reference to any given rate per beegah; Meerassadars occupying baghaet land usually pay the baghaet rates of assessment, although only the dry land rate may have originally been imposed; whereas in Poona the dry land rate more commonly obtains, even though it may have been subsequently cultivated as garden. Extra puttees are levied in the same manner as in Poona.

88. Mr. Crawford, the Head Assistant at Nuggur, in a very good letter which accompanies the Collector's report, states that one hundred villages in the Dindoree pergunnah formerly paid according to the outh or quantity of ground that could be tilled by two bullocks; that the rate of statement of the outh was ten, fifteen, or twenty rupees, according to the quality of the soil; that the quantity contained in an outh was more or less about twenty beegahs. Mr. Crawford states that the land, after we got possession of the country, was taxed by Capt. Briggs at a rate paid with reference to former payments.

89. In many villages in Candeish customary dhurs or rates are established, of which, as in other parts of the country, there is every diversity. The moondbandee, or fixed rent parcels of land, is more prevalent than elsewhere.

90. The garden, or baghaet land, in Candeish is in general subject to the customary baghaet rates found to prevail in each village; very little meeras land is to be found in the whole province. Lands watered by nullahs or aqueducts are in some cases assessed according to the species of articles grown. In

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In those villages where this practice obtains, it has probably owed its introduction to the necessity of having a rotation of crops, in order to prevent the impoverishment of the land. Hence lands first planted with sugar-cane have usually, for a succeeding crop either wheat or oil-plant (hawuree til); in the third year kumodee rice is usually sown, and it is not till the fourth year that sugar-cane can with advantage be again cultivated. A succession of different crops is thus kept up, and the rent is collected agreeably to the former usage of the village, according to the quality of the soil, and the nature of the produce.

91. The extra pettahs or cesses do not appear materially to differ from those of other collectorates in the Deccan.

92. For the last twenty years the most common tenure in Candeish is stated by Captain Briggs to have been the outbundee, or engagement (already described) to pay a fixed sum for the use of each plough and pair of bullocks, with which the owner might cultivate as much land as he could. Another was the teekabundee, or stated rent for each field, which is the Moondbundee plan, on a more minute scale; a certain field paying a given sum without reference to the number of beegahs contained in it.

93. In my report to the late Commissioner, of the 25th September 1819, I explained the nature of the land tenures in Dharwar, and for a further particular account of them I beg leave to refer to Mr. Thackeray's answers to queries, and to his reports. All the lands are classed under the heads of chalee, rulgootha, kundmukhta, and cowl land; these are allotted in due proportion of good, bad, and indifferent—the highly, lowly, and moderately assessed, or rent-free land, to each Ryot; the distribution being made according to custom by the Potails and Koolkurnees, and the assessment fixed with reference partly to established rates, but partly also to the actual circumstances of the cultivator. This mode of tenure is universal in the Dhoab. The condition of it is, that the Ryot shall hold both the good and the bad, or relinquish both together. It is chiefly on the chulee that all the additional cesses are imposed; it is therefore always taxed above its value. It seems to be entirely analogous to the vaita in Guzerat, and the upunum of the Ceded Districts. The division into separate classes of the land occupied by each Ryot, owing to the arbitrary cesses that have been since imposed, has in process of time become almost nominal, since all traces of the original assessments of the several parts have been completely confounded. A reference to a statement of certain parcels of lands held by particular Ryots for the last forty years, which is furnished by Mr. Thackeray, will exemplify this confusion.

94. In reporting upon the cessions from the Nizams, Mr. Munro, the acting subordinate Collector, has shewn much research; but the objects discussed being of a local nature, I do not forward his letter.

95. The tables annexed to this report exhibit, I imagine, as much information as can be required in respect to the seasons of sowing and reaping the different articles of agricultural produce, it is therefore unnecessary to enlarge on the subject in this place: the early crops are called the khureef, and the later the rubbee harvest.

96. Land that has for some time lain fallow, and is partially overgrown with brushwood, is every where allowed an exemption from rent for one or two years; but, if not overgrown, no abatement is required. Waste of long standing is given on cowl for a period extending to four, five, or eight years, subject for the first few years to a pepper-corn rent, increasing towards the close to the full assessment, according to the labour and expense that may be required to reclaim it. The conditions of the cowl vary according as the land may have been long neglected or recently under tillage, it being usually stipulated that the full rent and extra cesses shall be paid at the expiration of the fixed period, though in some cases the payment of the latter is postponed till long afterwards. The istawa cowl for baghaet generally provides that the full assessment shall be paid up in five years.

97. In Dharwar it had been found expedient to extend the period of cowls for waste, owing to the competition of the Jagheerdars for the labour of our Ryots. The conditions being now as favourable at home as abroad, and great

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encouragement in the shape of advances of tuccavee being held out, a rapid extension of cultivation may be anticipated: it has already, as shewn by Mr. Thackeray, been considerable, and would have been infinitely greater but for the prevalence of mortality both amongst men and cattle. The istawa cowls have been hitherto given on a limited scale to ruined villages, under the apprehension of the stock and labour of the more flourishing towns being drawn off too suddenly to waste, and thereby occasioning a loss of revenue; but the Collector's suggestion that the terms should now be rendered more liberal, may be adopted with advantage.

98. It has not been usual in the Deccan to use any compulsion to prevent the relinquishment of lands on the part of the Ryots, provided they perform the chief conditions of their cowl, which is, that they shall leave the land cleared of jungle. At the end, however, of the cowl an Oopree was never sure of retaining the occupancy; he was liable to be ousted at the Potail's discretion, whether it originated in motives of enmity or a view to profit, by giving the land to a higher bidder. The Oopree had not the same interest as the Meerassadar in making the most of his land, and had consequently very little attachment to it. He was often, too, discouraged by the village officers from making any permanent improvement, lest he should obtain, indirectly and without purchase, the privileges and immunities of a Meerassadar; in short, his tenure, particularly under the farming system, was exceedingly precarious, since its continuance depended almost entirely on the convenience and interest of the village manager; and if they did not frequently exercise these powers of ejection, their forbearance must not be ascribed to any regard to private rights, but the difficulty of procuring new tenants after expelling the old ones.

99. The prevalent rates of assessment may be stated, from the inquiries I have personally made during my late tour, to be as follows:

100. In the Poona collectorate, the highest rate per beegah of dry land is 6 rupees 12 annas, the lowest rate per beegah 6 annas. The highest rate here shewn appears, however, to be unusually exorbitant, and it may be concluded that the quantity of land occupied is really greater than is entered in the accounts.

Baghaet or garden does not pay at most above 6 rupees 8 annas per beegah. In the Mawuls 18 rupees 3 annas is the highest rate per beegah of land cultivated with dhan or paddy: the lowest rate is 9 rupees 11 annas per beegah.

101. In Ahmednuggur, the highest rent of dry land that I have seen does not exceed 2 rupees the beegah, though it probably rises as high as 3 rupees in the very best soil; the lowest rate per beegah is 4 annas.

Baghaet or garden, from 6 rupees per beegah to as low a sum as 1 rupee 2 annas.

102. In Candeish, the best dry land produced 3 rupees 8 annas per beegah; the worst about 4 annas.

Baghaet pays as high as 7 rupees when watered by machinery from wells, and as low as 1 rupees 4 annas.

When irrigated by natural streams or by aqueducts, it yields from 1 rupee 4 annas per beegah to 20 rupees.

When rent is taken according to the description of crop, it is usually as follows:

For land watered from streams:

Sugar cane:

1st. sort of land, per beegah	Rupees	25
2d. ditto ditto		20
3d. ditto ditto		15

Wheat, Oil-plant, Indian corn:

1st. sort	Rupees	10
2d. ditto		8
3d. ditto		5

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Kunrode rice:

1st land, per beegah .... Rupees	15
2d ditto	12
3d ditto	10

Bunjals, pepper, plantains, &c.

1st land	10
2d ditto	8
3d ditto	5

In some few spots sugar-cane is said to pay as high as 70 rupees, and Kunrode rice 40 rupees per beegah.

In villages where the rent is fixed upon the land, and not upon the crop, they vary, of course, according to situations and circumstances, as has been before described.

103. In Dharwar the rate of dry land varies from 7 rupees to 4 annas per beegah; this includes the very best of the rich black land, and all the diversities of mixed soil. Seven rupees per beegah is a very high rate, and is seldom paid without some lightly assessed fields being held along with it.

Baghaet or garden plantation, watered by machinery from wells, pays from ten rupees to three rupees per beegah.

Baghaet watered by streams or aqueducts pays from 13 rupees to 4 rupees.

Paddy land watered solely by the monsoon rains pays from 12 rupees to 2 rupees per beegah.

104. In respect to the proportion of the gross produce which is received by the Government, the share appropriated to the expense of cultivation, to the maintenance of the Ryot's family, and the profit remaining to him, the opinions, as stated in the answers to my interrogatories by the Collectors, are a good deal at variance with each other, so that it is not easy to come to a conclusion at all satisfactory. The proportions materially differ in different situations and circumstances, as the land is rich or poor. If rich and well situated for cultivation, the Ryot, after allowing for the expenses of cultivation, can pay one-half of the remainder without any sort of distress: if poor and unproductive, the payment of so large a share would not leave him sufficient for the maintenance of himself, his family, and his cattle.

105. On a view of the whole, joined to my own inquiries, I should come to the following result. I assume that a Ryot of middling circumstances keeps four bullocks and two ploughs; that he holds thirty beegahs of dry land, each beegah yielding a gross produce of 144 seers grain, or in the aggregate 4,320 seers, the average price of which may be at the rate of forty-eight seers the rupee, which will give him a return of ninety rupees; that he holds besides one beegah of baghaet land, yielding sometimes two crops, sometimes one, within the year, consisting of grain, sugar-cane, or vegetables: the average of these will produce him thirty rupees, which added to the ninety rupees, gives a total of Rupees 120. The Circar share of the dry land crop, assuming a medium of the produce of black and mixed soil, would be thirty-five rupees, or about two-fifths of the baghaet; assuming an average produce derived from its cultivation, by means of wells and of streams from rivers, the Government share would be seven rupees, or about one-quarter, making a total Government share of forty-two rupees, and leaving a balance to the Ryot of seventy-eight rupees. From this Ryot's share he has to defray the following expenses, *viz.*

A share of the prime cost of his four bullocks, valued at 100 rupees: these bullocks are estimated to be serviceable for eight years, so that the annual proportion of the cost will be ......Rupees	12	8
The cost of his ploughs, and the hire of a labourer occasionally to help him	8	0
Seed for his dry land and his baghaet........	9	8
Fees of district and village officers, and his quota of village charities	6	0
Carried forward......Rs.	36	0

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Brought forward......Rs. 36 0

For the support of the Ryot's family, the following charge must be incurred:

Grain for subsistence, at the rate of four seers daily, besides the head of grain which he daily eats out of the crop when it comes to maturity	22	0
Clothes for himself and family, including a blanket or two.....	15	0
Sundry expenses, at the rate of half a rupee per maund	6	0
	76	0

From the above expenses we may however deduct seven rupees, gained by the Ryot over and above the produce of his crops by the sale of ghee, milk, sheep, manure, buffalo calves, and sometimes poultry. He also makes something by hiring himself occasionally as a labourer, when not employed in his own fields, or letting out his carts and bullocks, and in cotton countries he makes something by the labour of his women, who spin thread. Taking credit for the above profits, his net expenses and the maintenance of his family will be about seventy-two rupees, which deducted from seventy-eight, his share of gross produce above shewn, leaves a profit of six rupees, after paying his rent and all charges.

Reducing this amount to the scale of one hundred, it will stand as follows:

Gross produce ....Rupees 100		
The Circar's share is	35	
The Ryot's share is	65	
		—100
Village officers, and to expense of cultivation........	30	
To the maintenance of his family, estimated at six persons	30	
Saved, after paying his agricultural stock and maintaining his family	5	
		—65

106. All the Collectors agree in stating that distraint of a Ryot's property has very rarely been resorted to for the realization of the revenue, and that their cattle, ploughs, and implements of husbandry, are never sold for this purpose. As long as a judicious lenity is thus exercised, and free access allowed to the Ryots to complain to the Collectors of any extra assessment, the burthens upon them can never press so heavily as to occasion permanent distress to them, or a defalcation of revenue to the Government.

On Meeras in the Deccan.

107. The existence of wuttun, or as it is more commonly called by us, meeras, is very general throughout the whole of that part of the conquered territory which extends from the Kistna to the range of ghauts that divide Gungterre from Candeish. It is not easy to ascertain the period of its first institution, nor can we with any certainty decide that its origin in its present form is referable to a very remote era. Traces of it may often be discovered in accounts of upwards of 150 years standing; and even where it is not now (*Sic orig.*) to be found, the trading of the inhabitants leads us to believe that it once existed. Waste of many years' standing frequently bears the name of its former occupants, who are supposed to have been hereditary tenants. This circumstance, however, alone would afford little proof that the land had been held on meeras tenure; since in all parts of India particular fields assume the names of their old cultivators. As we find the tenure, however, very generally recognized for a long course of years, and all the incidents of it well understood, we may fairly give it credit for considerable antiquity, without going the length of refering it back to patriarchal times, when right and convenience went hand in hand, and labour conferred a title to property in land lying in common, on the first cultivator who cleared and improved it.

108. This was doubtless the original foundation of landed property; but subsequent conquest, and the revolutions of centuries, must often have caused it to change hands, and confounded all original titles. Hence property in the soil becomes at length vested in the sovereign power: but as the state could derive

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derive no benefit from land till it had acquired a value through labour, an enlightened ruler would see the advantage of allowing the labourer to enjoy a permanent interest, without which there could be no incentive to improve it. To the sense of mutual interest between the Government and the peasant we may ascribe the revival of landed property, rather than to any positive institution of it, which we may search for in vain in the history of Indian Government.

109. Of late years, the Mocuddums, or heads of villages, in the Deccan, appear to have very commonly exercised the privilege of granting appropriations of land upon meeras tenure, and of taking from the persons to whom granted a fee, the amount of which varied with the fertility of the soil and the facilities it possessed of being improved. Thus, for lands in which wells might be dug or water-courses introduced, it was not unusual to receive a payment at the rate of two and a half rupees per beegah; and for land not having these advantages, one rupee per beegah was the customary consideration, or "*primer seisin*," on the delivery of which, a meeras pottah, or hereditary lease, was granted. Few ancient deeds of this sort are now to be found, (*Sic orig.*) but many of recent date are extant in most villages. The villages of these documents invariably runs that the possession is conferred from generation to generation, as long as the grantee or his heirs shall continue to pay the Government assessment according to the established usage of the village.

110. These deeds are not always drawn up with much precision, or uniformity in point of language; but they are seldom deficient in any of the formalities of evidence necessary to give them validity, the signatures of the managers of the village being affixed, and all the bara ballottee, or village officers, being subscribing witnesses. Each member receives at the time a sir pao, or present, from the new Meerassadar, proportionate to his supposed circumstances.

111. The acquisition, however, of meeras is sometimes made without the observance of those ceremonies, or the exaction of any pecuniary fees. Very long continued possession, and regular uninterrupted payment of the same rate of assessment, without any formal grant, seem occasionally to give a title, not only to hereditary possession, but to all the privileges of a Meerassadar.

112. In the commentaries of Hindoo law it is said that land can be conveyed by the formal assent of the towns-people; but it is also declared that the permission of the king, if not his express assignation, is necessary to give validity to the alienation. This rule seems to be recognized by most Hindoo law authorities, and it would in my opinion be superfluous to cite facts to prove that it is the established usage. It is obvious from the joint nature of the property, in which the Government and the Ryot possess a co-existent right, the Government to receive its revenue, the Ryot to enjoy the produce, that it cannot be alienated without the State's leave. The fees or fines, therefore, taken by the Moccuddums are, strictly speaking, public property, and not private perquisites; and except in cases where they are clandestinely appropriated, they are always laid out in the improvement of the village, the repair of the temple or the public choultry for travellers, but not unfrequently in making up the defalcation of village rent, and in propitiating the favour of the Government officers. The fees were seldom brought directly to the public account through the Camavisdar, or the Government itself sometimes received, in the shape of a sir rao, a share of the amount.

113. The formal confirmation of such alienations by the superior public officers, is perhaps sufficient to establish that the Moccuddums alone do not possess an exclusive authority to dispose of lands in perpetuity; but it has often been seen that the high demands of Government could not be satisfied without a connivance at such alienations. This reason, indeed, for making them is often specified in the meeras pottahs; and the circumstance not only accounts for frequent toleration of the practice, but for the fact of Government having frequently waived its right of interference when on the point of exercising it: an incident which is adverted to by the Collector of Poona in his discussion of this topic.

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114. A Ryot having once acquired the hereditary right of occupancy, is, together with his heirs, entitled to hold it by sale, gift, or mortgage, and according to the usage of the Deccan, without previously obtaining the permission of the Government. In practice here there appears, therefore, to have been exercised a greater latitude than is strictly allowed by Hindoo law, which, according to Mr. Ellis's able exposition of it, would prohibit the sale, except by the King's consent. Government has sometimes interfered, but it is not usual, since the revenue is not affected by these alienations. The purchaser takes the meeras, subject to the discharge of the public dues, which must be paid according to the village rate, whether the land be cultivated or be fallow, no remissions being allowed except in cases of great failure of crops, or other serious calamity.

115. A Meerassadar, unable to till himself his land, endeavours to let it to some of his co-partners or relations, either for a money-rent or a share of produce. If the latter, the proprietor's share may be about one-half when the land is of the best quality; but if it be of a middling sort, the rent does not exceed a third or a fourth of the gross produce. Much will depend on the state of the land, and the expense and labour required to cultivate it. The Meerassadar continues to be responsible for the Government dues as long as he is present, and he retains his right entire over the land, from which he is not liable to be ousted from the circumstance of his not having himself cultivated it. A Meerassadar however may usually be considered both landlord and farmer: for as the land-tax is commonly so high as to absorb all landlord's rent, little surplus of profit is left, unless the land be undertaken by the Meerassadar himself. In the event of his letting his land and emigrating, the person cultivating the land will be expected to discharge the public assessment, if there be no other means of realizing it. In point of assessment, the Meerassadar has usually little to boast of over the Ooprec: so high, indeed, for the most part is the money rent, that if meeras land be relinquished, it is often cultivated by an Ooprec, either at a reduced rent or on cowl for a given term of years, and is seldom or ever let on terms exceeding the meeras rate. The reason partly is, that to a tenant at will it does not yield so large a crop, because he does not bestow the same pains in manuring and improving it, from his not being assured of continuing in the occupancy; whereas the owner himself is prompted by his interest to give a much more industrious attention to its culture, and to the means of augmenting his returns. Hence the produce from a given quantity of improved meeras land in the possession of a Meerassadar is often found to be twenty-five per cent. greater than when it falls into the hands of a temporary occupant.

116. The rent of a landed estate in England has been computed at about one-third of the gross produce. It is generally a rent certain, but when by temporary causes it has been raised to an artificial height, as we have lately seen in England, it is liable to great fluctuation. Hence the Government share of meeras is supposed to have been fixed originally at one-half, but the proportion becomes smaller according as the land has been subsequently fertilized. Punctuality of payment, owing to the uncertainty of seasons, is less to be depended upon than in England, the rent ought therefore to be higher. The Government share of the produce from land held by tenants at will is roundly estimated at the same proportion as that of Meerassadars, but it is usually much smaller, for the Ooprec having but a precarious interest, must be compensated by a higher immediate profit. The profits of Ooprees in some places have indeed been found so large, as to tempt Meerassadars to throw up their wuttuns and to cultivate waste land on cowl: this of course is not allowed, except on condition of their continuing to pay the public revenue due from their meeras. Were, however, the assessment of waste land properly regulated by survey, there would be no great temptation to prefer waste to cultivated land; a preference which, if it prevailed to any extent, might reduce the public revenue and diminish the capital stock of the country.

117. Though temporary causes may for a time induce a Meerassadar to abandon his meeras, he is so attached to it that he seldom alienates it but from extreme necessity. If from insolvency he is obliged to throw it up, he

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will still have great forbearance shewn to him, and will be considered entitled to reclaim the possession on the expiration of any temporary lease to another person, if he returns within a reasonable period: but if, from long absence, it shall have been formally granted on meeras tenure to another, that person will not be liable to ejection. The right, however, to meeras is not forfeited but by long dereliction, and a considerable time is required by prescription to constitute an absolute divestiture. Some people go so far as to maintain, that emigrant Meerassadars have a right to claim their wuttuns if they return within a century, provided they discharge all expenses incurred during their absence. The difficulty of determining what may have been the profits, expenses, and losses, for a long course of years, must usually, it may be supposed, prove an almost insurmountable bar to the lands being restored to the former owners.

118. The right of Government to dispose of meeras after long absence of the Meerassadar does not seem to be disputed. A Meerassadar declining to sow his field, or to pay the public revenue on it, may be compelled to give in a written deed of renunciation. Without this check, the rights of Government on the meeras would often be compromised by the contumacy or inability of the holder. Meeras is forfeited, like all property, by treason or rebellion, but a provision is usually made for the family. Government sometimes assigned its interest in meeras land in enam to individuals, but this alienation in no wise affected the right of the Meerassadar.

119. The revival of long dormant claims to meeras relinquished would be so inconvenient, that some period ought perhaps to be limited, beyond whch they should not be cognizable.

120. Meeras, by the Hindoo laws of succession, must often be split up into very minute shares, and the only limit to so inconvenient a partition is when the share becomes so small as to be no longer divisible: the evil at a certain point, therefore, corrects itself. The members separate, as Esau, "when he went into the land of Mount Seer from the face of his brother "Jacob, the land of Canaan being no longer able to bear them."

121. Meeras, though divided, often remains entered in the name of the original possessor. This I believe is the case in the jutha, or federative system, which is well described by Capt. Robertson in his Answers to my Queries. Each jutha forms a sort of clanship, and on the decease of any one belonging to it without heirs, his share devolves to the nearest of kin, who is held responsible for the public rent of it; and on his failure the whole jutha or clan is considered answerable. A substantive Ryot often occupies the shares that have fallen into the surviving stock of money of his relative. In this case he is expected to provide for the maintenance of the widows or infants of the deceased incumbents. Even though the surviving members of the clan are too poor to admit of their cultivating the lapsed shares of those who have become extinct, they still cling to them with some tenacity, and seldom alienate the meeras right, except in case of urgent necessity. If utterly incapable of occupying them, the officers of Government interfere in procuring their cultivation by Ooprec or strangers; but this is only done when no other resource is left for preventing the loss which Government would otherwise sustain from their lying fallow. Whenever the corporate body of the Meerassadars can conveniently be made answerable, this interference is dispensed with.

122. The sale of meeras land, when it does occur, does not fetch much money, except where it has been greatly improved. The circumstance of its being so little a marketable commodity, notwithstanding the many advantages of the tenure, proves that the assessment is usually so high as to leave but a small residue to the proprietor.

123. Captain Grant and Captain Pottinger compute that it is worth from five to seven years' purchase: my inquiries lead me to think that it does not average more than two or three; but any considerable expenses that may have been recently incurred in improving the estate are sometimes reimbursed by the purchase over and above the amount of the sale. If the sale of meeras is so unproductive, it may be supposed that little can be raised upon it by mortgage. Land yielding 200 rupees of gross produce can seldom be mortgaged

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gaged for more than 100. The mortgagee in this case pays the public dues on the land, which is redeemable on the liquidation of the debt, with such interest as may have been mutually stipulated.

124. The value of meeras is said not to have increased since the accession of our Government. It is perhaps less a saleable property than it was, because land not meeras is now to be had on terms somewhat cheaper, with security almost equally good, that the occupant will be allowed to continue in undisturbed possession; that the competition for meeras should be diminished, is not therefore surprising. The extortions of the revenue farmers under the Peishwa threatened to confound the Meerassadar with the Ooprec. The moderation of our Government bids fair to produce the same effect in a different way, by making the tenantcy of the Ooprec nearly as valuable as the hereditary occupancy of the Meerassadar.

125. A Meerassadar possesses several privileges. In the mawul or hill districts in the Syadaree range, he is exempted from the tax paid by other classes on marriage, called luggun tukka; also from the pat dam, a sort of dispensation fee on marrying a widow, or a wife that has been repudiated. He pays no house tax, unless he has more than one dwelling. He is exempted from the buffalo tax for one buffalo; and from the payment of the danka, a fee levied on performing certain ceremonies of singing and rejoicing at the celebration of weddings or betrothings. He has a voice in all the village councils; has a right of pasture on the village commons; can build a house and dispose of it by sale, which an Ooprec is not always allowed to do; on the contrary, if the Ooprec leaves the village, his house becomes the property of the township.

126. In the eastern districts his privileges are nearly the same, with some additional marks of consideration. He and his wife are entitled to precedency before an Ooprec in all invitations to marriages or dinners, and in receiving betel, on taking leave, or on other occasions of ceremony. He is also exempted from the payment of fees to the Potail under the head of googree and palbharee. He can also form a respectable connexion by marriage, which an Ooprec can rarely do.

127. From this enumeration it will be seen, that though the land tax paid by the Meerassadar is ordinarily as high as that of the Ooprec, and sometimes higher, yet his privileges and immunities are such as to render his situation much more eligible than that of the latter: he acquires, as it were, a settlement, and becomes a freeholder in his village, and by that means attains to a degree of personal consequence which places him far above the level of the tenant at will, who holds on annual lease renewable, or on cowl, for a short term of years; the one is a free, the other a base tenure. The Meerassadar, not being liable to discretionary ejectment by the village officers, is often animated to exertion by the certainty of enjoying the fruits of his industry. He can confidently undertake expensive improvements, by making wells, constructing machinery for raising water, or by means of new channels from nullahs or rivers can ensure to himself constant sources of irrigation. He can also substitute the more valuable species of product for the coarser sorts with which the land was originally cultivated.

128. These are all manifest advantages which have occasioned the gradual extension of meeras property wherever it has once been introduced, and its progress has not been arrested by the exactions of the ruling authority. The profit of improving meeras has not, however, in all parts of the country been left exclusively to the Meerassadar; it is the custom for the Government in some places to participate, under particular circumstances. If the Meerassadar converts dry land into garden, or wet cultivation, by digging wells, he is made to contribute an additional tax of four or five rupees for each well, or to pay the garden or plantation, instead of the dry rate of assessment. In general, however, the original rate of assessment is confirmed without any addition. The practice of levying an additional cess tends to discourage improvements, and I have therefore deemed it politic to forbid its introduction whenever it is not already established by custom. Where it is usual to levy increased rates on dry land being converted into garden or paddy cultivation, the usage is continued. When, however, the expenses are likely to be great, the Meerassadar, before commencing the improvements, obtains a cowl for a long period, some-

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times extending to twelve years, till the expiration of which time it is stipulated that he shall continue to pay only the dry land rate of assessment.

129. In some few instances I have heard that the baghaet rate has been imposed on dry lands thus improved, in places where the augmentation was contrary to usage; but this being an unpopular, if not an unjust measure, its recurrence will if possible be prevented.

130. It has been usual, in some parts of the country, to levy once in three years what is called a meeras puttee from the Meerassadars; a house-tax is sometimes also taken from them, but this is of rare occurrence. The exaction of the meeras puttee may be considered, I think, originally to have been an encroachment on the part of the Government, probably to make up village balances: but it has now become justifiable on the score of long prescription. One of the great defects of the meeras tenure is, that the meeras puttee very rarely shews what the Ryot has to pay, nor at all correctly what extent of ground he holds; nothing can be more indefinite than the usual wording of these documents. In regard to the rate of payment, the most important particular, there is seldom any mention, except what is contained in a paragraph loosely setting forth that the Meerassadar is to pay the customary rate; but as they have been always fluctuating, what are customary is left too much to the discretion of the local authority to decide. There are some few exceptions to this observation: in cases of abatement granted by the township as a specific indulgence to individuals, the community agreeing to make good the deficiency in the standard Government assessment.

131. In Poona, the proportion of Meerassadars to Ooprees, or tenants at will, if we include Potails and other Wuttundars, may be about three to one. In Sattara it is reckoned there are about two Meerassadars to one Ooprec. In Ahmednuggur the number of Meerassadars and Ooprees is computed to be nearly equal. These estimates, however, do not give the proportion of meeras to ooprec land, which cannot be ascertained with any degree of accuracy within a revenue survey.

132. In Candeish there are few Meerassadars, except a small number in a few mehauls, which are said to have formed a part of Mullik Umber's Government; the little meeras there is can be said to possess the properties of this tenure, as it has not been customary to sell or purchase it. Captain Briggs seems to be of opinion that the meeras tenure has generally ceased to exist since the Mahommedan conquest in 1306. Ryots, however, who have long held land are nearly on the footing of Meerassadars, inasmuch as it is not customary to dispossess them of the occupancy of old hereditary Ryots; compared with temporary tenants, the proportion may be as six to ten. Lands in which this sort of right of occupancy is obtained by long possession are considered divisible amongst the members of families; but the principle of exacting a fixed rent is not observed, the poverty of the people rendering occasional abatement indispensably necessary.

133. In the Ahmednuggur collectorate the observances in respect to meeras (*Sic orig.*) are nearly to those of other collectorates. To the north, beyond the Godavery, and to the north-east of the hills which divide the high land of Nuggur from the low land of Seogam, the existence of meeras right becomes less general, and the difference between it and the Oopree tenure more faint and indistinct. In the Patoda district of Gungterry the right is so far impaired, that the practice of buying and selling meeras has become obsolete. In the event of poverty on the part of the Ryot, or in the case of his leaving his land unploughed, he is allowed a partial or total remission of the rent. Indeed, throughout Ahmednuggur the principle on which the dues of Government from meeras are considered payable under all circumstances, whether the land be cultivated or not, appears to have been, from long disuse, in a considerable degree lost sight of. I have, in consequence, deemed it necessary to recal to the Collector's recollection, on a late occasion, when remissions were recommended to a village of which the land is chiefly meeras very slightly assessed, and the cultivators generally substantial, and on which the profits of the cultivator in former seasons had been considerable.

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134. In the Akola pergunnah of Ahmednuggur, and probably in many other places, the custom prevails of reserving to the relatives of a Meerassadar who wishes to sell his wuttun the first option of being the purchaser; on their declining to buy, the preference is given to the Potails, and after them the principal Meerassadars have a priority of claim before the meeras can be disposed of to an inhabitant of an adjoining village, or to a stranger. This is a limitation of the right of alienating this sort of property which, without impairing its value, is attended with the good effect of maintaining unity of interests amongst the members of the village community, and the custom therefore ought not, in my opinion, to be interfered with.

135. In the Southern Mahratta country meeras does not exist at all, even in those parts of the country which have been most free from oppression, nor is it formed in any part of the Beejapore district. If it ever did exist, it has been so entirely extirpated by the over-assessment of the Beejapore sovereigns, and the subsequent exactions of the Mogul Omras, that neither the memory nor the record of it are extant. Permanent occupancy is however recognized, but no instances of the sale of land are to be met with. It is too highly taxed to be an object of purchase, when plenty of waste is to be had for nothing. Further north, towards Sholapore, we again discover meeras, or private property, on the same footing as in Sattara and Ahmednuggur. As we approach, however, the wide and extensive plains which stretch to the eastward on the Nizam's frontier, we lose in a great degree the trace of meerassee right, which has probably been obliterated by the iron hand of the later Mogul governors.

136. The privileges of meeras in Sattara are the same as in other parts of the Deccan: no control is exercised over it except that of collecting the revenue due from it; nor is any coersion necessary to compel people to cultivate. If a Meerassadar remains in the village and permits his field to lie waste, the other Meerassadars oblige him to pay his rent, lest it should fall upon themselves.

137. The Collector of Poona makes several good observations on the subject of meeras in his letter of the 1st of May 1820, which has been already submitted to Government. He also discusses the subject at some length in his answers to the Revenue Queries; much light is thrown on the subject, though his definition of the tenure is not perhaps strictly accurate. It is not an absolute allodial property in the soil which the Meerassadar possesses, but a right of permanent occupancy, a property in usufruct, held on the condition of paying to the state a share of the produce. The Collector thinks that the institution of meeras was antecedent to the Mussulman conquest of the country; but he does not adduce any proof of this remote antiquity. The Government rent he estimates to have been paid, agreeably to the law of Munnoo, at not much more or less than a sixth of the produce; but I am unable to discover the data on which this conjecture is founded.

138. That the sovereign was proprietor of the soil is distinctly expressed in Munnoo, in various places, particularly where it is stated that he could punish the cultivator for injuring the land, or failing to sow it in due season. This point is perhaps undisputed, except by Colonel Wilks and Anguetil Du Perron. Had the ruling authority not possessed this power, public embarrassment must often have followed, since the resources of the state depended almost entirely upon its land revenue; that the right resided in the Ryot as long as he paid the Government rent is equally certain. What was the proportion to be rendered seems never to have been fixed with any precision. It answers little purpose to go back to the laws of Munnoo to prove that Government at that epoch took only one-sixth; it proves, after all, that the necessities of Government were not then so great as they have subsequently been, or, perhaps with more probability, that the state of husbandry was then so imperfect, that no more could be exacted compatibly with the existence of the cultivator. The vague way n which the law is stated, left it to the conscience of the King to take what he liked: the value therefore of property depended much upon the character of the ruling power. In times of necessity he could take a fourth; but as it was quite discretionary with him to determine with respect to the urgency of the occasion, the amount of the demand must have been always uncertain.

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139. Captain Robertson's description of the jutha system, already adverted to, is particularly worthy of attention. It appears to have been founded on a responsibility, joint and several, which is alike beneficial to the members and to Government, inasmuch as it operates on the one hand as a stimulus to industry, and leads to an equal distribution of the burthens of the village; whilst on the other hand it conduces to the security of the public revenue. The payment of the public dues was of necessity, however, partially remitted in cases of great misfortune, when the circumstances of the Ryots did not admit of its rigid realization. Captain Robertson has very judiciously endeavoured to restore the jutha system to its pristine vigour, and his measures appear to be considerate.

140. The jutha must not be too suddenly or rigidly made responsible for waste, lest distress should ensue: the principle, however, of the collective liability, when acted upon with moderation, furnishes in my opinion an incentive to industry and a security against default. The capability, however, of the clans must be kept in view. When lands are waste, it is not sufficient to tell the resident tenant that they are answerable; the Mamlutdar must go to the village and ascertain the cause, and if there be good reason, specially fix the responsibility on the particular parties to whom it attaches, or at least as much of it as can be borne without aggravating the evil. If waste land be included in the settlement without this caution, increased embarrassment will be the necessary result at no distant period. Petty losses only can be made good by the collective body: considerable general failures must be met by suitable remissions.

141. The Collector thinks that a Ryotwar settlement with each Meerassadar, for such part only of his land as he actually cultivates, is calculated to relieve from responsibility each jutha, and the whole of the juthas as a body corporate; but should a Meerassadar fail to pay, I can perceive no reason why the jutha should be exonerated.

142. In regard to the under tenants of Meerassadars, who Captain Robertson thinks may be brought too much forward by the individual settlement, it may be observed, that we have nothing whatever to do with them, except upon the utter failure of the Meerassadar to pay his rent, when the Government will of course, as a last resource, have a hold upon the tenant for its share of the produce.

143. The Collector is very properly an advocate for preserving the rights of Meerassadars, a line of policy which he strenuously recommends in several places; but as nobody, I trust, has ever thought of invading their rights, the discussion of the question at any length would be superfluous. Whether the Ryot has acquired his meeras land by purchase, by grant, or by long possession affording a prescriptive title, it is the interest of Government to confirm him in it, provided he be a good tenant, who regularly pays his rent; if a bad tenant, it is equally the interest of Government that he should be permitted to sell his usufructuary right to a more punctual and substantial cultivator, since Government cannot make so much of it by any other means at its disposal. All that now remains to be done is, to fix the right by defining the annual payment that is to be rendered for it: this being hitherto indefinite, has left Government virtually possessed of the power of annihilating the meerassee right by enhancing the assessment; a prerogative which, Captain Robertson says, it has exercised for the last thirty or forty years. The exercise of this mischievous discretion in future can only, I think, be effectually prevented by a survey, which shall record what the assessment shall be.

144. Captain Robertson having admitted the allodial right of the prince in the soil, seems also disposed to recognize a concurrent land, called ghutkool meeras, or land that has lapsed from the death or absence of Meerassadars. The right of Government to dispose of ghutkoo land not being disputed, the right of the corporation to do so, too, seems to be incompatible, and the admission of that of the latter would lead to many inconveniences.* Because these alienations have been connived at, or even occasionally sanctioned,

* The same right is recognized by Captain Pottinger.

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sanctioned, it is not hence to be inferred that the heads of villages are the proprietors of land so relinquished, and can dispose of it *ad libitum* for a valuable consideration. As long as the maximum rent of a village, whether kumal or tunkha was paid, Government evidently cared not what became of the lands. Were this standard now payable without variation, Government might still with advantage give up its title to the waste lands, and allow them to be sold or given away; but as we levy no standard kumal or tunkha assessment by whole villages, but on the contrary make deductions, according as cultivation is extended or diminished, it would be unwise to allow the undoubted right of Government to be thus compromised. It is the interest of the state to render the meeras tenure as general as possible, and, with certain limitations, the village officers may be permitted to promote its establishment; but it may be doubted whether the unqualified admission of the pretended right of the villager to confer it would not be a bar to its extension.

145. It appears that though long possession has sometimes been allowed to constitute a title, it has not always been acquired by upwards of half a century of uninterrupted occupancy. The circumstance is partly to be ascribed to the jealousy of the Potails springing out of this usurped power of levying a fine, without which they have been unwilling to confirm the Ryot as a proprietor or freeholder.*

146. I have been thus particular in dwelling upon this subject, in order to prevent any conclusion being drawn that toleration of the sale of village land by the villagers has grown into an abstract right to sell, which is inconsistent with the admitted paramount superiority of the Government. Whilst the village community, as I have shewn, was responsible for a fixed sum under a mouzawur settlement, nobody inquired how it was raised; that responsibility in a great degree ceasing after the introduction of the Ryotwar settlement, Government must of course secure its own rights, and see that they are not now alienated. The privilege of selling, Captain Robertson states in a subsequent part of his answer to the queries, probably depended upon its payment of a tunkha or kumal rental; I think I have sufficiently shewn that this was certainly the case, beyond all question.

147. In the 77th and some following paragraphs, the malversation that attends the disposal of waste land on cowl by his revenue officers are described by the Collector of Poona; they all tend to prove the necessity of a thorough inquiry into local peculiarities by means of a topographical survey of the lands. Cowls may then be safely granted, and if common vigilance be observed by the Collector, they cannot be abused. If indiscriminately given, without reference to the nature of the soil and the period during which it has been waste, they will rest upon a very unstable foundation. If given at too high a rate they must lead to failure on the part of speculating farmers; if at too low a one, they will occasion the abandonment of cultivated lands by drawing too large a portion of agricultural stock to waste.

148. I have already recommended that a revenue survey should be instituted; and if a ryotwar settlement is still to be pursued, I venture strongly to urge the necessity of it. The Collector of Poona, the Political Agent at Sattara, and the Principal Collector at Dharwar have brought forward several arguments in favour of the measure, to which I beg leave to refer. Without it, I fear the fluctuation of the rates of the assessment of land may prove very prejudicial to the Ryots, whose rents, from not being defined by any authentic accounts, are liable to be raised or lowered by an arbitrary standard at the discretion of the local officers, who owing to inexperience, sometimes to mis-information, make sudden innovations, from which either injustice to individuals or an uncalled-for sacrifice of revenue is almost sure to result.

149.

* These grants by Potails are something like those described by Blackstone, when he says, "These inferior lords began to carve out and grant to others still more minute estates, to be held "as of themselves, and were so proceeding downwards *ad infinitum*, till the superior lords observed "that by this method of subinfendation they lost all their feudal profits of wardship "and escheats, which fell into the hands of these mesne or middle lords, who were th[illegible] "superiors of the terre-tenant, or him who occupied the land. This led to provisions by whi[illegible] "subinfendations were rendered subject to the King's prerogative."

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149. A survey must always be the ground-work of a proper ryotwar settlement; without it, the Ryots are in a manner abandoned to the discretion of the village and district officers, a discretion which we know is always abused. An equitable apportionment of the assessment of districts possessing various capabilities, can never be made by any Collector, from the present imperfect materials, with any sort of certainty that it may not contain gross errors. When the value of every field is fixed and the accounts methodized, any Collector of the most moderate capacity may make the settlement, and all intricate and perplexing scrutinies hereafter are rendered unnecessary. A survey affords the means, in many cases, of re-establishing genuine rights where they have been infringed, and of giving to others an acknowledged form, substance, and value, which they can hardly be said to possess when the demands of Government are left unlimited.

150. Nobody, however, can be more convinced than I am of the impolicy of attempting a survey assessment in a crude and hasty manner; nothing could be attended with more mischievous results; and unless able revenue officers can be found, to dedicate their time for some years to a general superintendence of such a survey settlement, it had better not be undertaken. The want of a survey is, however, I think sufficiently evident from the account I have already given of the general destruction of all accurate records of villages, which often compels the Collector to make his settlement at a mere venture. In this predicament the risk of mistakes can only be diminished by keeping on the side of moderation, by means of which, if the country does not improve, it is to be hoped it will not retrograde. The rights of the Ryots can never, however, be safe from infringement whilst they remain as they are, so ill defined. Their best security is to be found in their strong attachment to established usage, which though it may induce submission to petty oppressions, will prompt them to cry out against any great grievances.

151. All surveys of land in course of time must become in some degree unequal, as cultivation is improved or neglected, or as time has confounded all land-marks. These inequalities have from time to time, under the Native Government, been corrected by new survey valuations, conducted with more or less skill, according to the ability of the rulers. That they are indispensable to a good fiscal administration, in countries where all original rights have been trampled upon and the record of them obliterated, is perhaps sufficiently proved by experience. In such a state of things, it is impossible to know when you are in the old track, or when you are deviating from the middle and safe course, until you discover the error and the mischief is irreparable. The plan adopted by Mr. Thackeray, of commencing a survey and assessment of one pergunnah under his own immediate inspection, cannot I think be too strongly recommended. By instituting it in a talook where the assessment is already high a reduction might be made, which would render the measure of a general survey hereafter popular, and would greatly facilitate its completion.

152. The suggestion of the Collector of Poona, that an European officer should conduct the revenue survey if it is ever instituted, is worthy of consideration. It will doubtless be completed with accuracy, in proportion as it is closely superintended. The main part of the work must necessarily, however, be done by natives. If a sufficient number of European officers capable of the duty could be found, they should be placed under the orders of the Collectors, without however any powers but such as he might be authorized to delegate to them. Some objections to the details of the Collector of Poona's scheme occur to me, but it will be time enough to advert to them when the question of a survey is more immediately under consideration. As far as regards meeras lands, the object of a revenue survey would be to ascertain the just rates of rent which they ought to pay in cases where they have been variable. Where they have been uniform for a long course of years, no change should be introduced, but the old rates should be formally recorded to prevent their being altered in future.

153. Were the assessment finally fixed of Government land, I would at once offer it on cowl, upon the meeras tenure; by this measure confidence would be inspired in respect to the permanency of the possession, and the stock and labour of the people would be rapidly applied to render it productive.

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ductive. On the contingent terms of an Ooprce tenure, no one will lay out his money in making improvements, since he possesses no security against eventual ejectment. The condition of the Ooprce encourages a vagrant spirit on the part of the Ryots, for as they can have the choice of unoccupied land, of which there is plenty, they are constantly changing that which is exhausted for that which is likely to yield larger returns. By the more general extension of meeras, or by allowing permanent occupancy to the Ooprec, this evil may be almost entirely checked. There are many dangers to be apprehended from giving away land before we ourselves know the value of it, as I have already shewn, and shall shew in the sequel.

154. The mohturfa comprehends the following heads:

House and slop tax.

Loom tax.

Taxes on tenders.

Do.... on possessions and house.

Taxes from a few Ryots by no means general.

155. In Poona, Sahokarsar bankers, who deal chiefly in bills of exchange and in jewels and valuable cloths, compose the first class.

Surraffs who exchange coins, and buy and sell jewels and ornaments, the second class.

The other classes consist of traders in cloths.

Traders in grocery oil, ghee, &c.

Dealers in grain.

Jewellers, who deal in pearls and precious stones.

Boras, who deal in cloths, and others in various articles of all descriptions.

Petty shopkeepers, such as tobacco and betel-sellers, perfumers, confectioners, green-grocers, and fruiterers, &c.

156. The first class pay a house tax, which is quite arbitrary; for instance, Duthran Motee Chund, who holds the first place amongst the resident Sahookars, has three houses, for which he pays annually forty rupees.

Poorsdhum Moorlee, who is supposed to be somewhat less opulent, pays thirty-four rupees.

Dyaram Atmaram, who has merely a factory here, is perhaps the principal of the non-resident Sahookars; he pays forty-five rupees. All others pay less in proportion to their supposed inferiority of circumstances and the more limited extent of their trade.

157. Amongst the Surraffs here, the greatest of the first class pays about thirty-nine rupees, and the rest a smaller amount, determined by every arbitrary estimate of their circumstances. This tax is far from being high, but it is out of all proportion when considered with relation to the first class of Sahookars.

The first class of dealers in kiraud, or grocery goods, pay fifty rupees, which they can well afford out of their profits; but relatively considered, it is equally disproportionate.

Grain dealers, and others of the middling classes, pay at different rates, which vary from thirty to three rupees, according to the estimate of their profit; which however is vague and discretionary, and therefore highly objectionable.

158. Petty itinerant Suraffs, or others who frequent the daily markets to sell greens, fruits, and tobacco, &c., and who have no regular shops, pay daily one pice, under the name of bythoh, or fee, for the privilege of sitting there. It may amount to six rupees annually for each individual, supposing he sits for every day in the year, which however is of course not the case. The tax may be considered in itself heavy; and when contrasted with the light burthens of the upper classes, it is at variance with the fundamental principles of a well regulated taxation, under which every one ought to contribute according to his means.

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159. Another great objection to the present system is, that many weathy people, whether from partiality or other cause, enjoy a total immunity from tax. Several examples in Poona might be adduced of these exemptions.

The same observations apply to the mohturfa tax in the mehauls, which are however on a scale still lower than that of Poona.

160. Amongst the petty professional taxes, those on carpenters, braziers, weavers, oil-sellers, ironmongers, stone-cutters, goldsmiths, dyers, cotton-cleaners, potters, washermen, barbers, enamellers, masons, &c. are exceedingly unequal, varying from thirty rupees to one rupee annually. Some few, such as mat-makers, painters, saddlers or zeengurs, and others, are entirely exempted, on the ground that they formerly performed jobs for the Government. Carvers, bangle-setters, and tailors, generally too enjoy an immunity from taxation.

161. In the districts the professional taxes are lower than those of the city. When I halted at the village of Telligaum in the Poona collectorate, I was informed that these taxes were paid in proportionate shares or sixteenths, agreeably to which the amount is raised or reduced, according to the variable circumstances of individuals. This, in an imperfect shape, is the veebandee or ana system of the Ceded Districts, by which all contributors to the mohturfa are rated according to their income.

162. In the town of Ahmednuggur there are many substantial Sahookars, Surraffs, and other persons, similar to those of Poona, but they pay no house-tax whatever. In the Peishwa's time they were subject to occasional contributions, under the name of nulputtee, for repair of aqueducts, dusrajhundee puttee, expense of ceremonies, attending the erection of the market-flag, and other khurch puttees, or cesses for defraying charges. The people admit that these contributions were levied, but deny that they ever paid any regular house-tax. Since the accession of the Company's Government they have paid nothing, although the aqueducts of the town have been repaired, and many improvements made at the public expense.

I am unable to learn why the inhabitants of Nuggur have enjoyed this peculiar immunity; and being clearly of opinion that they ought now to contribute to the support of the state, at least as much as they did to the late Peishwa's Government, which neglected the aqueducts, and did nothing for the advantage of the place, I thought it proper, when on circuit, to call the Collector's attention to a consideration of the subject.

163. At Sumgumere Nassick, and other towns, the taxes paid are nearly on a par with those in the Poona collectorate; but in many places immunity and exemptions are allowed which appear to require investigation.

164. In the town of Yewlah people are taxed according to taefas, or sets; for instance, the Goozeratus form one, the Marwarries another, the dealers in grocery a third, weavers a fourth, &c. Each taefa has its chowdree, or head. The first taefas, for instance, pays 200 rupees, which is divided amongst the members composing it by the chowdree, and collected and paid to Government by him. On examining the details of the distribution, I find that they varied from eleven rupees to one-half for each contributor. Valuable cloths are manufactured at this pettah, the weavers of which pay a tax, varying from three rupees to four annas each; this in like manner is paid at the discretion of the chowdree of the taefas.

165. The same principle of classification exists in a few other villages, but there is no one general uniform plan established. Usage is the guide, though it must be confessed it is a very blind and vague one. The mohturfa taxes in general are lighter in Ahmednuggur than in Poona.

166. In Candeish there is less traffic than in Ahmednuggur. The contributors to the mohturfa however pay, according to established usage, a much higher tax than in either of those collectorates, though their means are so much more circumscribed. The first class pay as high as seventy rupees annually, and the first of the middling classes as far as thirty rupees, which varies from that sum to one rupee. There is no regular plan by which the sum of each person

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person is determined, unless Captain Briggs's scheme of classing the different contributors has been carried into effect. Any innovation, however, requires to be adopted with consideration and address, in order to prevent the present distribution from being rendered still more unequal than it is.

167. In Dharwar, the general scale of respectability of the banking, trading, and manufacturing classes, is somewhat below both Poona and Ahmednuggur. The want of any uniformity of the principle of taxation is felt equally there as in other places, as will be seen by a reference to the table submitted by Mr. Thackeray, which shews the inequality of the mohturfa assessment in that collectorate.

In one trading town, that of Buggreekotta, the tax on the upper class falls rather heavily, one Sahookar there paying to the extent of 150 rupees. It may be stated generally that the rate of payment of persons subject to the mohturfa in the Southern Mahratta country is perhaps higher than even that of Candeish, but infinitely below that of their adjoining neighbours in the Ceded Districts.

168. There the collections from these taxes are in the rates of about 116,100 of the land revenue; in the whole of the collectorates of the Deccan, the relative proportion of the two may be as 5½ to 100. The rate of these taxes, therefore, in our provinces is, I believe, nearly double what it is here.

The first class of persons in the Ceded Districts pay each 200 rupees annually under the income tax system, although perhaps, in point of wealth and extent of trade, they do not by any means approach to those of Poona.

169. As the profits of trade admit only of a discretionary valuation, it is difficult to suggest any remedy for the evils of the existing system. On the subject of the mohturfa, or professional taxes, I had the honour to submit my opinions in my report, as principal Collector of Dharwar, to the Honourable the late Commissioner. The mode in which they are fixed is entirely arbitrary, and it is only the extreme moderation of the amount of them which renders their inequality supportable. The most wealthy classes escape with a very small share of the general burthen; and as their influence is considerable, any great reform of the system will certainly meet with opposition.

170. The principal Collector of the Southern Mahratta country is attempting to introduce the veesbadee system that is followed in the Ceded Districts, as described in my report above adverted to; the innovation must be very gradual to be at all successful, and must not be attempted without being well understood. The John Trot mode of following in the old beaten track must, therefore, at present be generally persisted in, notwithstanding its defects of inequality and uncertainty, and the liability inherent in it, of being abused by the favour or disfavour of the Native Assessors. Some better mode of distributing it is certainly desirable; but whatever improvement be attempted, it must, in my opinion, have some reference to the veesbadee system, in as far as it should leave to the people themselves the re-partition of the total amount which may be assessed upon particular kanks, or classes.

171. On the subject of customs I have lately had the honour to address Government, and I beg leave therefore to refer to that letter for my opinions as to the advantages and disadvantages of the present transit duty system, and as to the expediency of the proposed measure of substituting a town duty *ad valorem* in lieu of it. The abolition of the transit duty on grain ought, I think, to take place throughout the country without any delay, as it will certainly afford relief to the cultivators, in the present extraordinary state of depression of all agricultural produce.

172. The amount of enam lands in Poona, Nuggur, and Candeish is very inconsiderable. No regular inquiry has yet been instituted, except into the titles of whole villages; the Collectors, however, in the course of their circuits, resume of course such as are proved to be recent alienations, held under invalid titles. In the Southern Mahratta country, where the extent of enam is greater than elsewhere, an inquiry is on foot, but the progress of it has not yet been reported. The Collector of Nuggur states that he has taken great pains to detect these alienations, many of which have been brought to the

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the account of Government, and he is of opinion that those which are undiscovered are comparatively trifling.

The Political Agent in Candeish has not yet gone into any minute scrutiny, but purposes to institute a thorough inquiry in future, whilst making his jummabundy. The same observation applies to the Collector of Poona.

173. On the whole, I am of opinion that there is very little alienated land concealed in the Deccan, and that very little advantage is likely to be discovered from any investigation into the validity of titles.

174. The jummabundy statements, and the answers to queries, shew a large addition to the extent of land reclaimed from waste.

It is no doubt very considerable: but in the present state of village accounts, the hundreds of thousands of beegahs which are exhibited by the Collectors as being newly cultivated must be received with some grains of allowance. A portion of it may have been already under the plough, but only lately, perhaps, brought into the amount, having hitherto been kept back by the village officers; on the other hand, in order to make a merit of their zeal and exertion, the Mamlutdars sometimes over-rate the increase of cultivation: so that between the extenuation of the village officers and the exaggeration of those of the district, it is not easy, without a regular survey, to form a judgment of the real extent of agricultural improvement.

175. The quantity of waste brought into tillage by the Collectors' returns, would amount to nearly nine lacs of beegahs; but I apprehend, in drawing up their statements, they have not all of them struck out of their accounts the full extent of cultivated land that has become fallow in consequence of the advantages held out for the clearance of waste.

176. The principal Collector of the Southern Mahratta country represents some obstacles to the improvement of waste, which he thinks cannot easily be surmounted till a maximum land-tax is fixed by survey; that the cultivator on cowl does not know what will be the assessment on his land on the expiration of the period, and that this uncertainty is a great drawback to exertion. In the absence of all correct ...... of former rates of land assessment, I know of no way in which this impediment can be removed except by means of a survey. We cannot fix the assessment at a venture without occasioning great inequality. If we make it too high, we obstruct agricultural industry; if we make it too low, we attract stock and labour from other villages, and by augmenting produce in one place diminish it still more in another.

177. Mr. Thackeray reports that it was usual under the late Government to give cowls from nine to twelve years to persons digging wells for converting zerayet land into garden, and inferior advantages also to those who improved gardens by digging wells. He suggests that cowls on the following terms should be granted for digging wells, *viz.*: that for wells the expense of which is from 25 to 250 rupees, the land watered by the well should be assessed only at the rate of dry land for a period of six years; if the expense be from 250 to 350 rupees, the cowl to be extended to seven years; if from 350 to 800,* nine years; from 500 to 750, eleven years; if the expense be from 750 to 1,500 rupees, that one-fourth of the land under the well should be held in free enam. Should the expense exceed 1,500 rupees, that one-third of the land should be granted free. As this arrangement seems well calculated to promote the digging of wells, an object of the utmost importance to the improvement of cultivation, and of the greatest use in diminishing the evil of scarcity in times of drought, when all the dry-land crops sometimes fail, I beg leave to recommend that it should be generally adopted.

178. The size of each pergunnah, or charge of a Mamlutdar, has been increased in each collectorate; and those consolidations of petty districts have, I think, fully covered the expense of the augmented salaries of these officers, which however do not yet amount to above two per cent. of the revenue of the districts.

179.

* Is not this intended to be 500?

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179. The principal Collector in the Southern Mahratta country has made an arrangement, by which, including Sholapore, the whole of the districts under his charge will be divided into twenty-one talooks, each averaging about 1,50,000 rupees.

The Collector of Nuggur has divided his charge into nineteen Mamlutdars, averaging 81,000 rupees each.

In Candeish there is the same number of talooks, their produce averaging 90,000 rupees each.

Captain Robertson has nine Mamlutdars, who collect a revenue of about 1,25,000 rupees each.

180. Although the conduct of the late Peishwa towards the Zemindars or district officers was not governed by any fixed rules, yet it appears in the best times of the administration to have been a standing policy to circumscribe their authority to very narrow limits. It has long, and I believe pretty universally been found, that the services which these officers are capable of rendering to the state do not in any degree compensate for the abuses which almost invariably arise from their mismanagement and malversation. The late Peishwa allowed the Zemindars in general to enjoy their hereditary incomes, without exacting from them any other duty than that of furnishing information as to the state of the districts, registering grants, and occasionally attending Mamlutdars of districts. They became however, under the farming system, ready instruments of exaction, to the revenue contractors, and many of them had established within their mehauls a degree of influence, which enabled them to usurp the whole civil government of their districts, prevented our Mamlutdars, [sic. orig.] on first taking charge, from entirely dispensing with their assistance. Wherever this was the case, the authority of Government was in consequence more or less feeble, and abuses were multiplied in the same proportion.

181. They all enjoy to the full extent their wuttuns and their hucks and perquisites, but little or no duty is expected from them. In some few of the pergunnahs of Ahmednuggur they are said still to exercise a good deal of interference, and wherever this is the case it may be assumed that they continue to withhold for their own use a part of the revenue. Captain Pottinger states, that finding that the only object of these persons was to plunder both Government and the Ryot, he has dispensed as much as possible with their services. In Candeish also their authority has till of late been extensive. It is particularly described in Captain Briggs' letter to me of the 3d December last, and I believe the account is by no means exaggerated. As such unlimited power could not be immediately superseded, they have been enabled, in conjunction with the servants of the cutcherry, largely to misappropriate the money. Ostensibly they have now little to say on the managements, the Mamlutdars being prohibited from employing them in any way whatever; but they are supposed still to possess some influence, which the inhabitants from long usage are unable entirely to shake off, although I should suppose abundantly persuaded by experience of the noxious effects of their interference.

182. Under the former Government, during the farming system, the farmers of the revenue used sometimes to withhold a part of the hucks of the Zemindars, and in some instances they levied contributions from those Zemindars, who were men of little weight and character, and were afraid to complain of the exaction; on the other hand, in some districts, by the usurpation of great authority, they were enabled to make large emoluments.

183. On the whole, it may be affirmed that these officers have reason to be well affected towards us, since the generality are better off than they were under the former Government. Those who were employed, and are now thrown out of service, are of course dissatisfied, but the majority are said to be well disposed, although the change from a Brahmin dynasty to a foreign rule must subtract a little from the full measure of their attachment.

184. The revolution which Captain Briggs has in a considerable degree accomplished amongst the Zemindars, has naturally given rise to feelings of discontent amongst this class in Candeish, and the more so because many of them had acquired an inordinate share of power. The decisive measures however adopted, seem to me to have been indispensable towards the eradication

of

of a system of malversation which knows no limits. The Political Agent thinks that in three or four years they may be restored to their functions with advantage, but I have on former occasions represented the effects which every where attend the employment of this description of district officers; and the more I see of them the more convinced I am of the impolicy of intrusting them with any responsibility in the administration of the revenue. They may, however, be useful as members of punchayets, and in objects of local inquiry. For further particulars relative to the origin and office of Zemindars, I beg leave to refer to Captain Briggs', Mr. Thackeray's, and Captain Grant's Replies to Queries. In my former reports and letters, I have myself described the nature of the duties.

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185. The Political Agent in Candeish has more than once taken occasion to represent the deficient allowances of Potails and Koolkurnees in many villages of that province, and on the 5th December last year he submitted a scheme for placing those officers on a more independent footing. Government having authorized that, in all cases where these rights have been abridged or discontinued, they shall be restored to a state of efficiency proportionate to the revenue of their respective villages, I accordingly instructed Captain Briggs to ascertain exactly, and to report the amount of existing allowances, and to state the scale according to which he proposed to increase them. I fear this cannot be satisfactorily done without a survey, but I await further information from the Political Agent before coming to a decision on the subject.

186. In closing my observations on matters connected with the revenue, it will not be irrelevant to notice the extraordinary depression which has taken place during the last year in the prices of all descriptions of land produce. Grain is throughout the Deccan cheaper, I believe, now than it has been during the last forty years. This state of the market is not to be ascribed to any redundance in the harvests of the late season, which were certainly not more than ordinarily productive. It must in part be ascribed to a diminution of demand, since the termination of the war, owing to the annihilation of the Peishwa's court and army, with all its train of horses, elephants, camels, and other cattle; to the reduction of our own irregular force of horse, infantry, and Sebundies, and subsequently our field establishments, and to the decrease in the amount of the force at Jalna; all of which causes have had a share in affecting the prices of every sort of produce. The war, it is true, lasted only a short time; but for many years previous to it there had been, on the part of the late Government, a constant preparation for hostilities: latterly with us, and formerly with its own feudatories, who, whilst endeavouring to acquire independence, maintained considerable forces, which have no longer any existence; our forces, too, were in constant readiness for active service.

187. In thisunsettled state of affairs, both commerce and tillage must have been more or less interrupted; but since the restoration of peace under the British Government the face of things has been materially changed. Whilst the demand has gone on decreasing, the supply has been augmented by the extension of cultivation, which has resulted in part from the employment of a larger stock since the return of a number of hands to agriculture. The reduction in demand may also be in some degree ascribed to the emigration of many families attached to the late Government, who have gone off to Bittoor and Benares.

188. All these causes have no doubt combined to lower prices. But when we compare the number of an army or court, and all its followers and dependants, however numerous, it bears but a small proportion to the great mass of the population: their absence, therefore, does not, in my opinion, adequately explain the existing state of things; but, I am puzzled to discover any other satisfactory mode of accounting for it. The present cheapness may possibly proceed, in some degree, from the circumstances of the value of the currency having risen, in consequence of the abstraction of the large treasures that have either been withdrawn by the Peishwa, or still remain hoarded and out of circulation. This, too, happening at a time when the produce is greater than ever, and when a larger quantity of coin is requisite to exchange it, may have contributed its effect in reducing prices.

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189. However just or otherwise these conclusions may be, the depression of the market unquestionably gives rise to a difficulty in realizing the land revenue, and furnishes a plausible subject of complaint to the Ryot. But the evil will, I think, be only transitory, for *communibus annis*, consumption and produce will keep pace with each other. The present abundance ought not permanently to affect the general rates of assessment, which are fixed on an average valuation of former years' produce. But as our settlements are annual, and fluctuate with the state of the cultivation, which most probably must fall off with the decrease of consumption, some defalcation may be expected in our next year's jumma, and some accumulation of arrears in the year that has just expired. I see no reason, however, to anticipate more than a temporary loss of revenue.

190. Whatever may be the immediate bad consequences of the present low prices, they have enabled thousands who were thrown out of employment to live on reduced means, and have probably contributed in no small degree to maintain the tranquillity which has so generally prevailed since the accession of our Government. If the interests of the state suffer in one particular, the disadvantage is abundantly compensated in another, and the action and counteraction in the natural and political world have drawn out a general harmony.

191. Adverting to the state of the currency, I beg leave to solicit the attention of the Honourable the Governor in Council to Mr. Thackeray's observations on the subject of mints, and to his former correspondence on this head, which has been already laid before Government.

192. It appears that a great improvement has been brought about in the currency by the abolition of the Kittoor and Moodhole mints, and the transfer (*Sic. orig.*) of that of Shahpore being to Chintamun Rao, to Belgaum. The exclusion also of the inferior coins from the collections, a measure which Mr. Thackery has judiciously adopted, has had the good effect of silencing also the mints of Colapore and of the jagheers; and Mr. Thackeray is of opinion, that what is now chiefly wanted is the substitution of one uniform coinage for the currency of the Belgaum and Baggreekotta mints. Mr. Thackeray thinks that, as there is little commercial intercourse with Madras, the rupees will never sufficiently supply the place of the local coins, and that the difference between the current and intrinsic value of the latter renders it expedient to establish one regular mint at Dharwar.

(*Sic. orig.*) 193. If the Collector's reasoning be well-founded, the same arguments will apply to the Bombay currency, has little chance of reaching the southern districts in sufficient quantities to supply the demand for the circulating medium. He estimated that in three or four years all the local coins would be converted into one uniform currency, when the mint might be dispensed with.

194. A coinage of half and quarter rupees is stated to be much wanted to supply an intermediate currency between the rupee and the pice.

195. The Poona mint was lately shut some time, owing to the detection of certain frauds on the part of the contractor, and several complaints were made of commercial embarrassment and difficulty, in consequence of its having ceased to work: it has, however, been again set a-going. The only other mint in this part of the Deccan is that of Chandore.

196. It is worthy of consideration, whether it might not be advisable, if these mints are still continued, to raise the standard of the coin to the level of the Bombay rupee, and thus introduce one uniform currency. The advantages of the measure are obvious: the inconveniences I should think very few, and those of a temporary nature.

197. The following is a short summary of the principal innovations introduced by our Government.

We have abolished the farming system, with all its train of evils.

The legitimate authority of Potails of villages is now substituted for much arbitrary power on their part, and many vexatious usurpations of numerous petty Camavisdars, the deputies of the farmer of revenue.

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We make our regular collections of the rents more directly from the Ryots, instead of receiving them through the village Sahookar by means of huwalla or assessment, from which results a saving of interest and premium to the Ryot.

The Ryot now enjoys greater security of property: he is not burthened with extra cesses at the discretion of village officers, nor is he subject to the payment of durbar khurch, or to that species of exaction called furmaesh or purveyance, by which practice provisions and forage were often seized by the public officers for the use of themselves or of Government, payment being postponed *sine die*, or more usually perhaps entirely neglected. The cultivator now receives a pottah defining the amount of his rent, and obtains receipts for all payments. If, in distress, he gets tuccava, which was but seldom advanced by the former Government, he pays his kists at regulated periods in any good coin he likes, without being compelled to discharge them in a particular currency.

198. As a set-off against these benefits it must be stated, that our system enters into a scrutiny more minute, sets a limit to exaction, and curtails the disbursements on the part of Potails and Koolkurnees under the head of village charges; allowing for this drawback, however, the exercise of their power is perhaps rather increased than diminished, since the Potail is restored to his place as head of the police and chief civil functionary within his own little circle of jurisdiction. In contrasting the present power of Potails with the past, I allude generally, in this particular, to times of regular government. If I were to compare the present state of things with that under the farming system, I should say that the Potails have not now so much of the *jus crescendi* as they then had, when they were absolute masters of the property of their under-tenants, without which they could not have answered the demands of the revenue contractors.

199. By discouraging the system of receiving the revenue by huwalla, or assignments on bankers, the Ryots perhaps have more difficulty now in procuring loans to satisfy the public demands upon them. They may in some few cases, in consequence, be obliged to sell their crops, when there is no great evil will be obviated by the abolition of the transit duties on grain. From their ignorance of the value of coins, some loss by exchange, which was avoided under the huwalla plan, is also incurred by the Ryots. In former times, it often happened that the Ryot was not permitted to remove his crop from the ground till he had paid his first kists, or given security. These restrictions are in a great degree removed, though some precaution is still observed in regard to the lower classes, who would otherwise consume the produce without discharging the public duties.

200. The Potails had more discretionary power than they now have of favouring their friends in the allotment of village lands: the Mamlutdar, too, had more authority to make remissions, where failure of crops or other calamities rendered indulgence necessary. These powers were, of course, often abused to prevent profit and emolument; but, on the other hand, they gave a latitude in pressing for village balances, the too indiscriminate exaction of which, under our rule, sometimes occasions distress to the cultivating classes.

Pending a reference to the Collector, the rents are levied from the lower orders, who have no friends to favour them, whilst the more substantial are allowed to fall into arrears: consequently, when the order for abatement arrives, the remission goes to those who least require it; or if any part of what is to be realized is to be given back, it is to be appropriated by the intermediate agents employed in the distribution.

201. In order exactly to shew what was the native system of revenue management, I have the honour to annex to the report a short memoir of that system, drawn from the most authentic materials in the duftur, and from information collected from old revenue servants of the late Government. I am mainly indebted for the materials of it to the industry and talent of Hammut Rao, my chief servant in that department, whose peculiar merits I shall on a future occasion submit to the consideration of Government, as being a zealous servant of the Company of thirty-one years' standing.

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Judicial Administration—Civil Judicature.

202. For a particular account of the present state of judicial business in the Deccan I beg leave to refer to my letter of the 5th November last, and to the various letters received from the several Collectors, which form a part of the appendix to this despatch.

203. It will be seen from my last report under the above date, that in civil causes the punchayet is still held to be the main instrument for dispensing justice. How far the confirmation and invigoration of this ancient institution has answered the object contemplated by the Honourable the late Commissioner will be best understood by looking to the result, as exhibited in the returns of the number of suits instituted, the number decided, and the number remaining on the file in the course of the last three years, and by comparing the whole with other provinces where regular courts are established. For a complete understanding of these points I shall speak of each collectorate separately, beginning with Candeish.

204. In the year 1819-20 there were 105 suits brought upon the file in Candeish, of which eighty-seven were decided by punchayet, two by razeenamah, or mutual agreement of the parties, and two in the Collector's court; making a total of ninety-one suits, and there remained fourteen undecided.

Including the balance of the former year, there were in 1820-21 one hundred and twelve suits filed, of which seventy-two were settled by punchayet, six by agreement of the parties, eleven by the Collector or his Assistants, and five by Aumeens or Mamlutdars; making a total of ninety-four suits, leaving eighteen unsettled.

In the year 1821-2 there were 126 suits newly instituted, which added to the balance, give an aggregate of 144 on the file. Of these ninety-four were decided by punchayet, sixteen by razeenamah, eighteen by decree of court, thirteen by Aumeens; making a total of 141 disposed of, and leaving three only to be adjusted.

The aggregate from the 1st July 1819 to 1st July 1822, is 329 suits filed, of which 253 suits were decided by punchayet, twenty-four by razeenamah or mutual agreement, and eighteen by Aumeens and Mamlutdars; making a total decided 326, and leaving a balance of three only to be settled.

205. Considering the extent of Candeish and the amount of its population, the number of causes instituted is exceedingly small. Captain Briggs, in the course of his reports that have been laid before Government, has explained the reasons of this circumstance. Those which he has adduced have certainly considerable weight: famine, war, and the devastations of Pindarries, during the last twenty years, added to the subsequent havock of the epidemic cholera, have, by terribly thinning the population, much diminished the source of all civil suits. Poverty and misery, though they beget vice, are not the parents of litigation, which cannot subsist without property. Besides these causes, I think it probable that the paucity of suits may be referred to the circumstance of the Zemindars having till lately possessed extensive influence which may have been exerted either in settling disputes, or in persuading litigants to compromise their differences. I have no reason to believe that the Political Agent is not sufficiently accessible to complaints; the absence of a litigious spirit may therefore be ascribed in a considerable degree to the apparent causes which have been enumerated.

206. Captain Briggs thinks that the system adopted by him in filing suits may have led in part to there being so few exhibited on the register, when compared with that of other collectorates. Great numbers of those who present petitions receive written orders to the Mamlutdars to inquire into them. He states that the possession of these orders alone, with his seal and signature affixed to it, is often sufficient to procure a settlement of the complainants' dispute, and many of these orders, in consequence, are never delivered. References of this nature are therefore not considered as suits until entered as such on the registers transmitted by the Mamlutdars.

207. It will be observed from Captain Briggs' letter of the 31st May, that the opinion expressed in his letter of the 30th October 1820, where he says that, "on the whole, the system of civil judicature, as conducted by pun-

" chayets,

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" chayets, appears to be well adopted to the object of attaining speedy, cheap, " and ready redress," is considerably changed. He now thinks the punchayet system would be inefficient for any other country than that of Candeish, where the poverty of the people is great and the population scanty; that the power of deciding civil suits by punchayet becomes weaker, and seems to threaten a total stagnation of justice. But on examining the file, there does not seem to be much ground for the apprehensions expressed by the Political Agent, since there are only three suits remaining at the end of the last quarter. If these apprehensions are just, I should reluctantly be compelled to conclude that the demand for justice in Candeish is regulated precisely by the supply; and in this manner the paucity of causes would be at once accounted for. Captain Briggs recurs to a former recommendation on his part that an allowance should be granted to the members of punchayets; but as it was not then authorized, he has not again agitated the question. He omits to explain why he has not acted upon the authority granted to him by the circular instructions of the 27th June 1820, by which he was empowered to bestow on those members of punchayets on whom the duty might prove onerous, a sum of money, at his discretion, to remunerate them and to defray their expenses.

208. The Mamlutdars are authorized by him to decide suits to the amount of 200 rupees; but he represents their total inefficiency in the performance of this duty, which he ascribes to their keeping no record of their proceedings; so that, on an appeal to the hoozzoor, it becomes necessary to try the suit *de novo*. I am not aware of any sufficient reason, however, why some sort of record is not kept, nor why their decrees should not be as good as those of an Aumeen, or any other district judge, if rules were prescribed for recording their decisions. The Potails appear to have decided no suits themselves, nor to have assembled any punchayets, though authorized to do so.

209. In punchayets, Captain Briggs experiences the same difficulty which is every where felt in assembling the members and witnesses, there being no authority to issue writs to cause their attendance. He also speaks of the delays and evasions of the parties in suits, and the various artifices that are resorted to, with much success, for the purpose of protracting decisions, which, in cases of persons who are malicious or litigious, create incessant embarrassment. The whole of the obstacles, however, that are shewn, tend rather to prove that there is an absence of method in regulating the punchayet system, as Captain Briggs himself states in the sequel, rather than that the principle of the system itself is bad. The Political Agent represents these tribunals to have been subverted in the Deccan since the death of Sewaee Madhoo Rao; but this position is much too broadly and generally stated, since we know that, however ill-regulated, they existed in many parts of the late Peishwa's Government. He admits that the punchayet (which in another letter he mentions as an entire novelty) is still venerated in practice, and that it behoves us to restore it to its original functions. As they are said to have ceased only twenty-five years ago, the attainment of this object ought not to be a task of insuperable difficulty.

210. Captain Briggs quotes several pages of Judge Blackstone to shew the advantages of local courts; and, after describing the forms of punchayets as they existed in the time of Nana Furnaveese, he suggests the necessity of their revisal: for which purpose he recommends that a committee of persons in the habit of attending punchayets at Poona, during the time of the late Ram Shastree, may be appointed. For the more ready administration of justice, he advises in addition the appointment of district and village Moonsiffs on the Madras plan, leaving it to the option of parties to have their causes decided by the [illegible]
of the [illegible]
once be appointed. In Captai[illegible]
some suggestions of value, which when separated from a good deal of matter rather foreign to Indian jurisprudence, may be useful; and I beg to refer the whole to the consideration of the Honourable the Governor in Council.

211. For particular information as to the nature of the suits that have been decided in Candeish, I beg leave to refer to Captain Briggs' several answers to Queries on judicial points.

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212. The punchayet system in Dharwar appears to work with much fewer obstructions than in Candeish. This may be ascribed in a great degree to the very commendable attention which Mr. Thackeray has shewn in endeavouring to promote the agency of these tribunals. The number of suits settled by them has in consequence increased, in proportion to the gradual improvement of the rules for the guidance of these courts, and to the zeal which the principal Collector's exertions to render them efficient has excited on the part of his district officers.

213. In the first year, 1819-20, there were 481 suits filed, of which 255 were settled by punchayet, forty-seven by razeenamah, and two by decree of the Collector's court; making a total of 304.

The number of suits in the following year, 1820-21, including a balance of 177 on the file at the beginning, was 757; of these 219 were decided by punchayet, fifty-two by razeenamah, thirty-four by decree of the Collector's court, and 140 by Mamlutdars, making a total of 465. The number settled by punchayet in this year is somewhat smaller than in the preceding, owing to the aid of the Mamlutdars being brought into action.

In the year 1821-22 there was, including the preceding year's balance, an aggregate of 931 causes filed; of which 325 were decided by punchayet, 173 adjusted by mutual agreement, fifty-four by decree of court, and 121 by Mamlutdars; making a total of 673 suits decided, besides thirty-five dismissed on default, and there remained at the end of June last 223 suits undecided.

214. Mr. Thackeray's letter of the 11th instant, inserted in the appendix, gives a succinct but clear account of the nature of these suits, and the causes of increase and decrease of the sources of litigation; and is accompanied by the copy of a general order issued to his Mamlutdars, for the more speedy settlement of suits by punchayets, which appearing to me to contain many judicious rules, I propose to circulate it for the information of other Collectors, who have not had equal success in conducting the punchayet system.

215. The abstract which I have above given furnishes proof of activity of supervision, and is of itself sufficient to refute the opinions in regard to the total inefficiency of punchayets. It also shews that a warm interest taken by the Collector in promoting the effect of this instrument of justice will overcome difficulties that at first sight appear insurmountable, and that although the Mamlutdars require to be constantly stimulated to an observance of their judicial duties, the labour on the part of the Collector will not be so fruitless as despondency is sometimes apt to represent it.

216. No Aumeens have at present been appointed in the Southern Mahratta country, but in the larger talooks Peshkars have been entertained to assist the Mamlutdars in judicial business. At present Mr. Thackeray is of opinion that a separate establishment would be expensive, and that it would supersede the Mamlutdar's authority without being more efficient.

217. I beg leave to solicit the consideration of the Honourable the Governor in Council to the reflections which are annexed to the principal Collector's letter of the 11th August, on civil justice. He has an evident bias in favour of the punchayet system; but this is no more than the natural effect resulting from an observation of the success that has attended the trial of it at Dharwar under his superintendance, where it has answered better perhaps than in any other part of the country into which this mode of administering justice has yet been introduced, not excepting the Madras provinces.

218. I had the honour, in my November report, pretty fully to describe the state of judicial business in Poona, and have little to add respecting it. Since the appointment of a Register the returns, both civil and criminal, have been furnished with a degree of regularity very creditable to Mr. Borradaile's diligence and to the Collector's attention to the superintendence of this department.

The supply of justice appears pretty nearly to keep pace with the demand in all ordinary cases; but a few, in which Sirdars are concerned, are shamefully protracted,

protracted, by the delays and impediments which our Mahratta subjects know so well how to oppose to the adjustment of their differences.

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219. In 1819-20 the agitation of old debts and claims that had their origin during the late Government, and were in fact an arrear of the late Peishwa's file, brought an accumulation of 4,603 suits on the Register. Of these 241 were settled by punchayet, 461 by razeenamah, forty-one by decree of the court, and 774 by Aumeens and Mamlutdars, being an aggregate of 1,517 causes adjusted, besides 2,721 dismissed from the non-attendance of plaintiffs; the total, therefore, disposed of amounted to 4,288, and the balance on the file was 365.

In the following year, 1820-21, the file, including those undecided, comprehended 3,122 suits; of which 113 were settled by punchayet, 568 by razeenama, thirteen by decree of court, and 682 by Aumeems and Mamlutdars; making a total of 1,376 causes determined, exclusive of 470 which went by default. The number remaining on the file at the expiration of the year was 1,276.

In the last year, 1821-22, the file consisted of 3,708 suits; of these 170 were decided by punchayet, 372 by mutual agreement, five by decree of court, and 761 by Aumeems and Mamlutdars: in all 1,308. In addition to these 1,241 were dismissed for non-attendance of suitors, making the total disposed of 2,549, and leaving a remainder on the file of 1,159 causes.

220. The Collector has five judicial Aumeens employed in the city of Poona, where, from the extent of the population and the spirit of litigation which prevails, the demand for justice is particularly heavy. The Mamlutdars, under the circular orders of the 27th June, are empowered by him to decide causes to the amount of one hundred rupees.

The Aumeens, besides deciding causes themselves, assist punchayets by recording and shaping their proceedings, and generally in forming and superintending these courts of arbitration. The Collector states that there are not many appeals from their decisions, and that they stand fair in point of integrity, though they require to be kept under a vigilant superintendence. They do not appear to be popular amongst Sirdars, whose dislike, no doubt, arises from their occasionally arrogating to themselves an authority, which native gentlemen, unaccustomed to the equality of judicial rules of procedure, can ill brook from persons whom they consider so much their inferiors.

221. Captain Robertson's answers to Judicial Queries,* and a paper of the Register's annexed to them, contain some useful observations, to which I beg to solicit the consideration of the Honourable the Governor in Council.

222. With reference to the number of suits filed, there is a much larger proportion in Ahmednuggur unsettled than in any other collectorate; and I have still to regret that the punchayet system has not had by any means so much success in the Ahmednuggur as in other districts. A considerable number, however, are disposed of by the Adawlut. The Collector imagines that punchayets are fully as common under our rule as under that of the Mahrattas, and he thinks of late that they are more just and speedy in their awards; he also thinks the dread of our scrutiny makes them impartial. His sentiments differ *toto cœlo* from those of the Register, who ascribes to them all the imperfections that can be found in any system of judicature; and which really for want of proper regulation, appear to exist in a considerable degree in Ahmednuggur. I trust, however, that many of the defects which Mr. Giberne has pointed out to the Collector's notice will be corrected, now that a Register is specially appointed to the duty of superintending and directing them. Those defects are described as originating in the difficulty of procuring the attendance of parties and witnesses, in the bribery and corruption that ensue from these delays, and in the abuses that arise in consequence, from the duty falling into the hands of professional arbitrators, owing to the dislike of respectable people to undertake it. The colouring of the picture is perhaps not overcharged by Mr. Giberne; but there is no question that many of the imperfections may be removed if the machine be ably and unremittingly directed, instead of being left to work of itself, as would appear to have been hitherto the case.

223.

* *Vide* Appendix A.

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223. This state of things arises, I believe, from too literal and strict an adherence to the standing orders, which exempt punchayets from all new forms, interferences, and regulation on our part. It may also be in part ascribed to the circumstance of the Collector's time being so long entirely occupied by the investigation of the Commission appointed to inquire into Mr. Hockley's conduct, and subsequently, to his absence at Bombay during the trial of that person. It may also be stated that during the period of Mr. Hockley's charge of the judicial business at Ahmednuggur, all civil suits appear to have been concentred in the Adawlut, very little attention having been devoted by him to the encouragement of punchayets. All these considerations serve to explain why the judicil civil business is so much in arrears.

224. The Collector, in accordance with the twenty-fifth paragraph of the instructions of the 27th June 1820, has given authority to his Mamlutdars to assemble punchayets to decide suits for debt to the extent of one thousand rupees; but he states that it has been merely nominal, since few go to complain to them for any debt of magnitude, the people in general being deterred by their "notorious venality" and "want of veracity," from having recourse to them. The misconduct of Mamlutdars in cases referred to them is particularly brought to the Collector's notice by the Register; but as they hold higher situations, and are better paid than Aumeens, whom he describes as being so useful in Guzerat, I should think that a few examples of removal from office would prevent the irregularities which he notices.

225. It is unnecessary to revert to the eulogy which Mr. Giberne passes on the excellence of the regular Adawlut system, the advantages of which are very prominently brought forward, whilst all its defects are kept out of sight. But it may be proper to mention one of the inconveniences attending the want of forms of which Mr. Giberne complains: it is that the same cause is often decided by two or three different gentlemen; and it is a known fact, he says, that they seldom form the same opinion on a subject. That an evil like this should continue, the simple remedy for which is to be found in keeping the general Registers, and calling upon the opposite party for his answer, certainly carries a want of method which ought to be supplied by better arrangements.

226. In order to obviate these inconveniences, the Register suggests that there shall be one general file for all suits at the head station; and further, that they should be referred periodically to the Mamlutdars, to report how they are disposed of, by which their power of quashing complaints would be prevented.* The special duty of keeping a register of all complaints formed the first object of my instructions on the appointment of Registers, and I had hoped that improved arrangements had been already adopted.

227. I have, in consequence of the above account of the irregularities of the Nuggur plan, called Captain Pottinger's attention to the subject. The appointment of Aumeens, in the manner adverted to in the circular instructions of the 27th June, is recommended, and should in my opinion be adopted, since the revenue business of some of the Mamlutdars does not admit at all times of their dedicating sufficient time to their judicial duties.

228. After these observations, it will not be surprising to find that, out of 333 suits on the file in 1819-20, only fifty-four were undecided by punchayet; of the rest, 168 were adjusted by mutual agreement, 285 by decree of court, and 111 by Mamlutdars: making a total of 613 suits disposed of, and leaving 720 unsettled.

In 1820-21 the aggregate of suits on the file was 2,359; of these 118 were decided by punchayet, 100 by razeenamah, 749 by decree of court, and 104 by Aumeens and Mamlutdars. The total disposed of was 1,071, and there remained 1,288 upon the file.

For the year 1821-22, including the above recommended, there were 2,805 suits on the file; of these seventy-eight were decided by punchayet, 205 by razeenamah, 757 by decree of the Collector's court, and twenty-nine only by

Mamlutdars:

* Vide letter of 23d March 1822, with instructions for the guidance of [illegible] sent to Government on the same date.

Mamlutdars: making the total number disposed of 1,069, and leaving 1,736 suits undecided.

229. In the forty-second paragraph of my letter to Government, under date the 5th January 1820, I stated my reasons for thinking that the period within which suits for debt and personal property should be actionable should be limited to twenty-four years; and that it should, agreeably to the custom of the country, extend to seventy years for claims founded on the mortgage of wuttuns. The suggestion being approved, was circulated for the guidance of Collectors, and I believe the rule is now acted upon, though on this point I have not received any specific report from those officers.

230. No time has been limited after which appeals are not received, because it was conceived that the ignorance of the natives regarding our system rendered a considerable latitude necessary, until they should become better acquainted with our modes of proceeding; nor have appellants in general been compelled to enter into bonds for the payment of a fine if their complaint proved frivolous, though this has been done in some few instances when the complaint was suspected to be vexatious.

231. Decrees are executed in the usual manner, by distraint of property, and personal restraint if necessary. Houses are sometimes sold, but the implements of trades are usually spared, unless no other property be forthcoming.

232. No definite rules have been established in regard to the period of imprisonment for debt; if the debtor failed to satisfy the demand upon him, creditors requiring the confinement of debtors pay them subsistence-money. The returns of the several Collectors shew the number of debtors in confinement.

233. There can hardly be said to have been any constituted court of justice, except the Nyaeedaish, under the former Government; but the number of persons who discharged judicial functions was indefinite. All the village and district officers, from Potails to Mamlutdars and Sirsoobadars, were judges. Every Sirdar of note holds a sort of hall of justice in his own house. Sahookars and bankers had also amongst themselves their punchayet courts, or tribunals of conciliation. None of these Judges rendered any account of their proceedings to the Government. Every man might therefore, in matters of little moment, have justice at his own door, without the necessity of coming to Poona in quest of it. In petty suits it was generally impartially administered, and, what enhanced the value of it, it was speedy. In disputes involving claims to large property, the quality of the justice depended often upon the price paid for it. To receive a bribe from a person who had really a just cause decided in his favour, was generally considered a venal proceeding: but venality at the expense of justice, though of exceedingly common occurrence, had still some blame and shame attached to it.

234. The channels of justice, as may be inferred from this sketch, were often exceeding foul, but the stream was never entirely stagnant. They are now less numerous, but more open, and free from the impurities of corruption. From the circumstance of their diminished number, however, it may be doubted whether the aggregate flow of it is now more abundant. The Mamlutdars of districts, though they do not take up causes in the first instance, have the authority to decide causes referred to them; but they have not yet proved themselves so useful as it is to be hoped they will be, after a long noviciate. Formerly they were left to their own discretion, and had little control exercised over them; now they are kept under stricter supervision, are more liable to have their decisions appealed from, examined, and reversed, and subjected to all the consequences of disapprobation, either on account of want of form or of error of proceeding. They can, moreover, derive no advantage, except clandestinely, from their situation as Judges, and the trouble and responsibility exceeding the honour and profit to be acquired by the discharge of their judicial functions, they in consequence enter upon them with lukewarm zeal. This disinclination to the office occasions a run upon the European officers, and leads to an accumulation of causes on the file, of which the clearance, even with the addition of a Register for the purpose, will be a work of time and difficulty.

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235. The common practice of selling justice under the late Government has tended to lower the character of its native administrators, which circumstance also increases the resort to the Adawlut. The mode of performing judicial duties under the former Government having been so lax, it is not to be expected that our Native Judges should all at once acquire habits of order and punctuality. Our ideas on this head have little or no affinity with those of the native servants of the old Government: hence the generality of those whom we employ, despairing of being able to conform to our notions, abstain from attempting what they consider to be unattainable, and are extremely backward in taking any part in the dispensation of justice.

236. Fines for frivolous or groundless complaints are thought by the natives not to be sufficiently heavy in our system of Adawlut. Great complaints are made against Poona professional punchayetees. The abuses of which they are guilty are mainly owing to our want of acquaintance with personal character, which leads to punchayets being ill constituted. Punchayets in Poona are not perhaps so numerous as under the late Government. Ghur Sunyhcots were carried on by the exercise of a little authority. Where both parties are respectable and honest they are still practised; but all who have bad causes prefer the Adawlut.

237. No authority being used for the purpose of compelling people to sit on punchayets, and there being much trouble and responsibility attending the duty, it has every where a tendency to fall into the hands of persons who undertake it professionally. As we are less arbitrary than the late Government, we have less power to induce people to undertake the office. We exact, too, more regularity and expedition on the part of the members, which deters many from accepting it. It would be contrary to usage to compel people to act as punchayetees; but those who declined serving in rotation might be fined, as persons in England are who refuse to fill certain executive offices. If this be deemed objectionable, no remedy suggests itself but that of appointing a sufficient number of Aumeens to each district: for otherwise the punchayet alone, though it may prove a useful auxiliary, will be inadequate to answer the purpose of dispensing civil justice. Under the former Government it was the main tribunal for deciding causes, and people were usually expected to resort to that mode of adjustment when private arbitration failed. It is, however, difficult to judge whether more suits were then settled by punchayets than at present, as no register was ever kept of them. The number of suits, on the whole, was then apparently smaller, because the power of tukkaza more frequently decided them. They did not *in limine* come into court. The Judges often insisted, in clear cases, upon their being at once settled without any forms of process; now, a great portion of causes that were either rejected or summarily disposed of, are brought before the European officer, and the file in consequence is overloaded. In small suits, decisions by punchayets are certainly quicker now than before; but in large ones they are still spun out in a most provoking and tiresome manner.

238. The Jagheerdars of the higher order sometimes undertake the settlement of disputes: but I cannot learn that justice is administered by them to any great extent. The smaller Jagheerdars do not take upon themselves this responsibility unless they can make it a source of emolument, which they sometimes do, to the injury of their relations and dependents. Many abuses in this respect are committed by those who have the independent management of their own jagheers; but as their lands are known to be out of our jurisdiction, few complaints are preferred.

239. Neither Potails nor Shettees formally administer any justice. Though empowered to appoint punchayets in disputes of which the amount does not exceed 150 rupees, I do not find that they have ever acted upon the authority. Their influence however is of the greatest use in eradicating the first seeds of litigation, particularly in matters of local concern, before they come to any growth. Their judicial power has never been of much avail in weighty matters, nor can we ever hope to see much effect produced by it.* It is, however,

* "How can he get wisdom that holdeth the plough, and whose talk is of bullocks? They shall "not set on the judges' seat, nor understand the sentence of judgment; but they will maintain "the state of the world."—*Ecclesiasticus.*

however, silently and beneficially exercised within the village circle, though perhaps not to so great an extent as formerly, because the apprehension of deviating from our most strict rules deters the Potails from acting with their accustomed confidence. One disadvantage arising from this change is that litigants are more apt to refuse to arbitrate, and one or other of them is pretty sure to insist upon going to the Adawlut.

240. The Aumeens in Poona settle, as will be seen from Captain Robertson's registers, a great many causes; one or two seem to be respectable, but on the whole the character of their proceedings does not stand very high in the public estimation. No Aumeens have yet been appointed in the other collectorates, but in all a few might be established, with rules for their guidance nearly similar to those which are laid down in the regulations proposed by the Regulation Committee.

241. There have been but very few regular appeals to me as Commissioner, because the greater portion of causes are decided either by punchayet or by Aumeens, from both of which the appeal in the first instance lies to the Collector. I have, however, received a great many complaints of wrong or erroneous decisions, which I refer to the local authorities for investigation; several have in consequence been revised, and some annulled. In the latter case a fresh punchayet has been ordered, or the investigation gone into *de novo*. In the great majority of cases, the grounds of the complaint have been satisfactorily explained, and the complaint itself rejected. Hitherto I have been guided by the tenour of the rules laid down by the Honourable the late Commissioner, in his report on the subject of receiving appeals, which were to be confined to special cases, with a view to ascertain that the standing instructions were acted up to and the custom of the country maintained, rather than for the purpose of revising the decisions of the Collectors on each suit.

242. Causes in which great Sirdars are parties have come under my own cognizance. They are almost exclusively confined to the disputes of the Putwurdhuns, which are adverted to in another place. Almost all other Sirdars reside in their own jagheer villages, and there are few suits filed against them, which may be owing rather to their influence in supporting, than to the absence of any grounds of complaint.

Criminal Justice and Police.

243. I shall now proceed to exhibit the state of criminal justice and police in each collectorate, contrasting it in the past year with the two preceding.

244. In Candeish, the crimes of murder, gang robbery and burglary appear now to be much less frequent than in the preceding year; but highway robbery has increased. The offence is committed entirely by the Bheels, who being driven out of the hills, continue to infest the plains in gangs so formidable as to defy the exertions of the police officers. It will be observed from the returns which the Collector has submitted, that no fewer than 111 cases of this crime have occurred during the last three years in which the perpetrators have not been brought to justice. The difficulty of apprehending highway robbers arises from the circumstance of their being intimately connected with the Bheel Jaglas of villages, who are the ancient and natural police officers of the country. People also have been deterred from giving information of criminals in consequence of the summary vengeance which has at different times been inflicted on informers; and the Political Agent is of opinion that a great portion of the head inhabitants are often implicated, either in conniving at crimes from the dread of the consequence of bringing them forward, or in aiding or abetting in their commission with a view to share in their booty.

245. On the whole, it appears that fifty-seven crimes of magnitude have been committed during the year 1821-22, of which the perpetrators have not been apprehended. The number of convictions for various offences appears to be only two less than in the preceding year, so that it may be assumed the aggregate of moral delinquency was nearly the same. The number of persons remaining in confinement under sentence at the end of the last quarter was 121.

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246. The number of capital trials, convictions, and executions, in Candeish stand as follows:

1819-20.			1820-21.			1821-22.			TOTAL.		
Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.
21	18	6	14	4	6	15	12	6	50	44	18

The accompanying letter and abstracts comparative will, I trust, furnish any further particulars that may be required in the Criminal department.

247. In Poona the criminal file is usually very heavily loaded, and the magisterial department is alone sufficient to occupy the undivided attention of one of the Collector's Assistants, aided occasionally by the Collector himself and Register.

248. During the last year there were fewer cases of murder than in either of the preceding; of gang robbery the number of commitments was greater, but the convictions fewer. Of burglary there do not appear to have been any cases, which is rather an extraordinary circumstance; but it seems to be owing to the crime having been otherwise classed, probably under the cases of considerable theft, which have been very numerous, there having been eighty-five commitments and seventy-eight convictions on this account. Receiving stolen property seems to be also an offence that has increased; the great prevalence of petty theft is also a striking feature of Captain Robertson's returns, there having been 463 commitments and 307 convictions for this offence. The Collector's comparative abstract will supply any further particulars that may be required as to the nature of the prevailing offences.

249. The aggregate of crime is prodigiously great, since there have been during the last year 1,278 commitments and 793 convictions. This may be accounted for by the thieving propensities of the Ramoossees, and the vicious habits of the lower orders of a large town like Poona, where many persons are out of employ, and destitute of any visible means of livelihood. The returns of heinous crimes committed since the 1st July 1819 up to the end of June 1822, exhibit fifty-four cases, of which the perpetrators have not been found. This gives an average of eighteen per annum, of which nearly two-thirds are burglaries and gang robberies, and the rest apparent cases of murder.

250. The number of capital trials, convictions, and executions for three years, commencing with the 1st July 1819, is as follows:

1819-20.			1820-21.			1821-22.			TOTAL.		
Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.
6	5	3	20	20	2	14	10	2	40	35	7

251. The number of convicts remaining in jail at the end of June was 257.

252. The returns of this collectorate show a comparative diminution of the greater crimes, but the total amount appears in the past year to be nearly on a level with that of the preceding.

253. The returns of heinous crimes committed during the last three years exhibit large amounts of moral delinquency, of which the authors have not been discovered. It comprehends 108 cases, in which, however, a few of theft appear to have been inadvertently included. It is deplorable to observe that about one-third of them are apparent cases of murder, notwithstanding the numerous examples of capital punishment which have been made during that period. The statement of capital trials, convictions, and executions, from 1st July 1819 to the end of June 1822, is as follows:

1819.

1819-20.			1820-21.			1821-22.			TOTAL.		
Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.
37	28	15	24	13	8	37	34	4	98	76	27

The number of convicts in jail on the 30th June last was 220.

254. The amount of crime in Dharwar does not appear to rise or fall in any considerable degree. If we take into account the large accession made to the district by the transfers from the Nizam and Chintamun Rao's cessions, it may be reckoned to have decreased. The nature of the crimes committed is particularly explained in Mr. Thackeray's letter in the Criminal department, which is submitted for consideration.

255. The number of great crimes committed, of which the perpetrators have not been discovered, during the last four fuslies, is stated to be seventy-nine, which, considering the extent of this division, is not very large. It may be stated, generally, however, with reference to the catalogue of crime the authors of which are not detected, that its accuracy depends entirely on the degree of regularity and fulness with which the district officers make up these returns. It may be often suspected that they omit to include crimes, when the number of those whose authors are undiscovered becomes so large as to threaten them with blame for not tracing the delinquents.

256. The statement of capital trials, convictions, and executions in Dharwar for the three last years is as follows:—

1819-20.			1820-21.			1821-22.			TOTAL.		
Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.
19	16	6	4	4	2	38	36	16	61	56	24

The apparently increased number of capital trials in the last year is owing to several cases having fallen into arrear, which, till the Collector had more European Assistants appointed under him, had unavoidably accumulated on the file; a circumstance the recurrence of which I see no reason to apprehend.

257. The number of convicts in jail at Dharwar on the 30th of June last was 224; an account of their caste, crimes, and punishments, submitted to the principal Collector, accompanies this report.

258. It may be proper to explain, that in column "tried," of the statements of capital trials above given, are included not only the principals, but accessaries in such crimes.

The column of "convictions" also contains all persons found guilty of aiding and abetting in capital crimes, as well as the principals; also persons arraigned for capital crimes, but convicted of less heinous offences not capitally sentenced. It also comprehends women, who, according to the custom of the country, are never put to death.

259. The administration of the police and criminal justice in former times, is so fully and ably described in Mr. Elphinstone's report, that I shall have but few words to say on the subject.

260. Crimes in the Deccan are committed chiefly by Bheels, Ramoossees, Mango Dhurs, Coolies, Komwars, Meywatees, and Bedurs, and persons from distant countries. Swindling, thefts, highway robberies, gang robberies, burglaries, and murders, were punished under the former Government arbitrarily and summarily, on much lighter proofs than we require for the conviction of the perpetrators of these offences. Criminals, when apprehended on strong suspicion,

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suspicion, were usually beaten or tortured till they confessed their guilt. If refractory, the beating or the stocks was repeated at intervals of three or four days; and if the case were one of robbery, the thief, on the fact being established, was compelled to restore the stolen property, either by a repetition of corporal punishment, by keeping him in the stocks sometimes till he died, or by confining and tormenting his family. Great delinquents, such as gang robbers or murderers, were punished on the spot without any delay, by loss of limbs or of life, or by perpetual imprisonment; to which was superadded such a degree of privation and suffering as materially shortened the period of their existence. The diet of convicts was a moderate allowance of baggee flour with a little salt. Petty thieves were generally flogged and released after a short term of imprisonment, but the duration of it was indefinite when they withheld the restoration of the stolen property. This was a preliminary expiation, which was considered of primary importance. Banishment was also a common penalty; but in all crimes the punishment had reference to the caste and rank of the offender, and he would always secure impunity if he had the means of purchasing it.

261. The district managers were more rigorous in the exercise of authority, and the power delegated to them being more ample than those with which we entrust our Mamlutdars, they were more efficient as police officers; and though they often committed great oppressions on innocent persons, the guilty had on the whole less chance of impunity than under our Government. Fines, however, were sometimes imposed to satisfy the rapacity of the Mamlutdars, and they no doubt frequently had the effect of increasing the evil which they were ostensibly only intended to remedy.

262. Substantial evidence is now required before a criminal can be convicted; no preparatory infliction of punishment is admitted, even though the grounds of suspicion are ever so strong. If the person accused voluntarily confesses, well and good; if not, proofs of his guilt must be sought for: those being inadequate, he is usually acquitted and released. Murderers suffer death, but thieves are let off rather too mercifully. If convicted of robbery, and of the (*Sic. orig.*) effects that may be not once forthcoming, are of course restored; but no additional pain or suffering is inflicted to compel the robber to point out the rest of his stolen property; he is put into jail, and sentenced to a fixed period of imprisonment and hard labour. He gets an allowance of eight or nine pice per diem, nearly equal to the wages of a common labourer; is well conditioned and well clad, worked moderately, and allowed to have the luxuries of betel and tobacco. This is not an exaggerated picture of the comforts of aconvict at Poona, and I believe they are elsewhere equally well treated. Humanity forbids the infliction of preparatory torture, to force people charged with crimes into a confession. It cannot be tolerated, even in the case of professional thieves, whose rooted and inveterate habits might place them on a lower level than the slaves amongst the Greeks and Romans, with whom alone the use of the rack was permitted. Some additional severity, however, both in respect to the repetition of corporal punishment, the duration of confinement, and privation in the article of diet, might be awarded in cases in which the criminals contumaciously withhold the restitution of the plundered property.

263. It is, I think, mainly owing to our mildness and clemency in this particular that robberies are at least as numerous, if not more so, than under the former Government. A thief soon learns how difficult it is to convict himself; convicted, he is sure of being well treated, and has every hope of leaving the plunder entire in the possession of his family. The chances of getting off are infinitely greater than those of punishment; and after all the punishment is so mild, that it is worth while to incur it for the sake of enabling his family to profit by the fruits of his crime. He will, of course, break prison if he can, in the hope of again laying the country under contribution, not being deterred by the risk of returning to jail—*Le pisaller* has nothing to alarm his apprehensions. The most respectable natives think our punishments less effectual than those of the late Government, and that crimes have increased in consequence of our mildness in punishing them.

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264. Transportation has lately been authorized, and I am of opinion that, after a few examples, the effect of this punishment which the natives particularly dread will be considerable in deterring them from the commission of heinous offences, as long as the unknown terrors of the punishment continue to retain their present impression. It may, however, be apprehended that this impression will be transitory, and that the mere deportation of criminals from the scene of their delinquency will not long continue to be exemplary. The penalty is doubtless severe to a native, whom it removes from his caste, family, and climate, and condemns him to perpetual labour: but all these evils are seen and felt only by the criminal; and his removal being soon entirely forgotten by his associates, ceases to have any effect in preventing a repetition of similar offences, excepting only as it diminishes the number of offenders.

265. From the statement of capital trials and the list of capital crimes committed, the Honourable the Governor in Council will be able to form some judgment whether cases of murder are more frequent here than in our old territories. Executions amongst the natives are viewed with surprising indifference, which may perhaps be ascribed to our want of form in conducting them. A murderer is carried to the gallows with very little ceremony, and but a small number of persons attend to witness it. There is too little of pomp and circumstance to make any impression: we might therefore, I think, with great advantage adopt the native custom, which the Honourable the late Commissioner adverts to, of dressing up like a corpse the criminal about to be executed. He should also be led in procession through the principal streets, and his crime should be proclaimed to the spectators. We can never hope to move the feelings of the natives, whose apathy is proverbial, unless we render punishments more striking to their imagination, without at the same time increasing their severity.

266. The Political Agent in Candeish thinks that many people who have been robbed do not complain, in order to avoid the trouble which must attend their repairing to the Magistrate, and attending perhaps more than once before the trial is concluded. This attendance is certainly an evil: but it is one to which the people in all countries must submit, as the price they must necessarily pay for the security of their property.

267. In a great majority of cases in which the proceedings in the districts are complete, the Magistrate might at once proceed to try the delinquent without previously recording any further magisterial proceedings. This would prevent a great deal of delay, and save prosecutors and witnesses the trouble of repairing a second time to the huzzoor, which, when they are not all in attendance at the time of the commitment of the prisoner, sometimes becomes necessary, and proves vexatious to all the parties. This inconvenience is occasionally obviated by the Collector holding his criminal sessions when on circuit. The trial of heinous crimes, as soon as possible after they are perpetrated, cannot be too frequently insisted upon: by this means the penalty follows the offence whilst the recollection of it is fresh in the minds of the people, and thereby carries with it the full force of example. The witnesses, too, have less opportunity of being tampered with, and being all forthcoming, with the transaction recently impressed on their memory, their evidence is more to be relied on than at a more distant period of time.

268. Potails exercised formerly, without any defined limits to their authority, the power of slightly punishing for all minor offences, such as abusive language, petty assaults and trespasses. The punishment seldom went beyond a few blows with the open hand, or confinement for a couple of days in the village choultry, the prisoner paying subsistence-money to the Havildar or Peon who was placed over him. A mussala, or fine, was perhaps occasionally exacted, which did not, however, exceed a rupee and a quarter; the rupee going to the Circar, and the rest to the Havildar. If the crime were of such a nature as to require the infliction of a greater penalty, the delinquent was sent to the Mamlutdar for trial. The Potails continue, I think, to use nearly the same powers at present. Captain Briggs states their authority in this respect to be nearly dormant; but as they can now fine to a limited extent, and put offenders in the choultry, and on the whole, as chief police agents, have a degree of authority

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at least equal to that which was formerly in good times delegated to them, I do not see that their influence is much, if at all impaired.

269. The rule under which villages are held responsible for the payment of property stolen when the robbers are not detected, has a considerable effect in exciting an activity on the part of the Potails; all the Collectors, however, state that it has rarely been enforced, and I am disposed to think that its adoption, except in cases where it is proved that the thieves belong to the village, or that the village people have connived at the robbery, would be a great injustice, because it usually happens that thieves come from a distance, and their depredations are consequently beyond the controul of the village officers.

270. By the circular of the 27th June 1820, the restrictions in regard to travellers carrying arms were taken off, in as far as it was permitted that no passport should be required provided the number did not exceed five-and-twenty. The disturbances in the Concan, and in the hills which divide it from the Deccan, have however rendered it necessary for the police officers to be more strict in stopping people carrying arms who could not give a good account of themselves; and as long as any restless spirit continues there, it will be expedient to keep up the restrictions; but they may be entirely removed when there ceases to be any likelihood of a renewal of the excesses that have lately occurred in the quarters adverted to.

271. The want of good jails has hitherto prevented the establishment of a proper system of discipline amongst the convicts. The judicious observations on this subject which were received from Government with Mr. Secretary Farish's letter of the 28th April 1821, were duly circulated; but I have yet received no report from any of the Magistrates, except Mr. Thackeray, of the manner in which they have been employed.

272. At Dharwar, during the last quarter, 140 reams of paper, each of ten quires, have been manufactured, and thirty-seven rupees worth of clothes, by certain of the convicts who have been trained to the work; the rest have been engaged in digging wells, repairing the jail, hospital, public bungalows, and in making baskets, sweeping the jails, and other useful offices. In the preceding months of the current year, the quantity of work done was nearly the same. In the year 1821 upwards of five hundred reams (each of ten quires of paper) were made, the value of which was upwards of 750 rupees, and 158 rupees worth of cloth: the rest of the work performed is exhibited in the accompanying account of that year. There appears to have been an attention to method observed by Mr. Thackeray in respect to the economy of his jail which, being well deserving of imitation, I shall not fail to point out to the other Collectors and Magistrates.

273 In regard to the general state of the police, I am of opinion that although it is far from being so efficient as is desirable for the prevention of crimes, yet that it is as vigorous as can well be expected, considering the number of people thrown out of employ, the great intermixture of foreign and jagheer lands with our villages, and the vicinity of the Nizam's frontier on the east, and the facilities of escape afforded to Ramoossees and Coolies by the fastnesses in the western range of mountains.

274. It is impossible to say whether the people are more moral under our rule than under that of the Peishwa. Almost every laudable object of ambition, except that of obtaining the office of Mamlutdar or Dufterdar, is placed beyond the reach of the better classes, and the effect may probably be to induce habits of idleness and dissipation. Amongst the lower orders these habits will be promoted if care be not taken to prevent it, by the increased prevalence of drunkenness, which is apt to follow the introduction of European Government. The sale of arrack does not prevail to any great extent in the Poona, Ahmednuggur, or Candeish districts, but it appears to have increased in Dharwar. This is chiefly to be ascribed to the presence of Madras troops and the influx of their followers, and to the introduction of large levies of Peons from the neighbouring districts of Bellary, where the lower orders, such as beders, dhers, and others, are much addicted to the vice of drinking.

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275. In Admednuggur the abkaree revenue is rather increased, and it would have been still more augmented had not the Collector prevented the establishment of new shops where they were not allowed by the Peishwa.

In Candeish the revenne from this branch has increased: but the Collector ascribes this to the suppression of unlicensed village stills rather than to any increased propensity to drunkenness, of which he states the instances to be astonishingly rare, and those chiefly confined to Bheels and Ramoossees.

Captain Grant is of opinion that inebriety is more frequent than formerly, owing partly to the increased facility of privately distilling, and partly to the difficulty and expense of procuring opium, which was formerly used as a substitute for spirits under Bajee Rao.

Drunkenness is by no means a prevalent vice in Poona, where very few stills are worked; and the Collector is of opinion that not half a dozen quarrels in the course of the year originate from intoxication.

Captain Briggs also makes the same observation.

276. The late Government in its time was exceedingly strict in its regulations regarding the sale of intoxicating liquors, and much of what is to be found good in the morals of the lower orders of people may be ascribed merely to the restrictions that are kept up. It would be a hardship to prohibit the sale entirely, because in some parts of the country the use of spirits is necessary to the health of the people, particularly those who inhabit the hills and jungles. It is indispensable to Mahratta soldiers, most of whom drink publicly: it forms one of the offerings to some of the idols; is requisite in many medicinal preparations for men and cattle, and is particularly beneficial to women in child-birth. All that can be done is to keep up the prohibition where it has been customary to interdict the sale; to raise as much as possible the price of liquor, and licenses for the vend of it; as well as to punish drunkards whenever they may be brought under the eye of the Magistrate. In proportion as the prices are raised will it be removed beyond the reach of the lower orders, who are most given to intemperance.

277. Mr. Thackeray has just submitted some good rules for controlling the sale of spirits, which he has adopted in his agreement with the arrack-renters for this fusly. They are interdicted from selling within five miles of any cantonment, or to any soldier; from allowing any person to take spirits from their shops without a pass signed by the Aumildar; from receiving any thing but cash in payment for liquor; from allowing drunkenness or quarrelling in their shops, or keeping them open beyond eight o'clock at night. Their shops and stills are limited to a certain number, and a particular situation under the eye of the officers of Government; and the quality of the arrack is not to be in any way deteriorated, and its price is fixed at eight annas per pucka seer.

278. The diminished influence of paternal authority, as well as that of the elder branches of families, promises however to have a worse tendency to produce a relaxation of morals than even drinking. This effect is at present kept off, because every endeavour is made to discountenance divisions; but whenever a regular code of regulations is introduced, those family schisms must take their course, and will doubtless become still more numerous.

279. The subject of domestic slavery in the Deccan would appear to require to be regulated by some legal sanction, in order on the one hand to prevent the oppression of slaves, as well as to check the traffic; and on the other hand, to obviate the injustice that would be occasioned to private property by any interference amounting to an absolute prohibition to the sale of what has hitherto been deemed a marketable commodity. From the answers to Queries it will be observed, that slavery in the Deccan is very prevalent; and we know that it has been recognized by the Hindoo laws, and by the custom of the country, from time immemorial: it is, however, a very mild and mitigated servitude rather than an absolute slavery, and it differs essentially in many particulars from the foreign slave trade, which, to the honour of humanity and the British character (though with little effect towards diminishing the extent of the evil), has been discontinued by British subjects.

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280. Slaves are treated by the Hindoos with great indulgence, and if they conduct themselves well, are considered rather as hereditary servants of the family than as menials. They become domesticated in the houses of the upper classes, who treat them with affection, and allow them to intermarry with the female slaves: and the offspring of the connexion, though deemed base-born, if males, are often considered free, but if females they remain slaves. Marriage, however, is equivalent almost to emancipation, because, when married, slaves become rather an incumbrance to their owners.

281. Many respectable Brahmins have one or more slave girls as servants, and in a Mahratta household of any consequence they are reckoned indispensable. The female slaves are termed Laundees; and the offspring of Laundees by a Brahmin is designated Sendy. They do not, however, acquire the character of pure Mahratta blood till the third generation, though they call themselves "Mahrattas" from the first. The children of Mahrattas by a Laundee take the family name of the father; but the stain of blood is not wiped out till the expiration of three generations.

282. A slave girl could not quit her master without his consent, but the master was obliged to clothe and feed her, and provide for the children she might bear him. The master could chastise his slave with moderation; but if death ensued from his severity he was punished severely, by fine or otherwise, according to the pleasure of the Government. A master could sell his slave, but in the upper classes it was not considered respectable to do so.

283. A woman of Mahratta caste committing adultery or fornication was sometimes condemned to slavery, and debtors have sometimes become slaves to their creditors; but the greatest portion of slaves are reduced to that condition in times of famine, when parents sell their children for the double purpose of saving their lives, and themselves from starvation. A great number have within these few years been imported into the Deccan under these circumstances; and this mode of disposing of a famishing offspring seems beyond all doubt to have been the means of alleviating scarcity. One great evil has, however, resulted, that of kidnapping children for the purpose of selling them in distant countries as slaves: this is a common practice amongst the Lomans and Brinjarees; but it may be prevented by forbidding the sale of all children of whom a satisfactory account of the manner of procuring them is not given.

284. Whether it is politic entirely to prohibit the traffic is somewhat questionable. Mr. Thackeray is of opinion that if Government abolish it, it ought to provide a fund for starving children. All the Collectors agree that it would be inconsistent with usage to emancipate them, and it seems doubtful whether the measure would be acceptable to the slaves themselves: it would be certainly unpopular amongst the people. The sale of slaves now stands prohibited by the orders of the Supreme Government; this, however, has increased the price, without putting a stop to the traffic. For further particulars, I beg to refer to the Collectors' answers on this subject.

State of our Relations with other Governments, and with Jagheerdars, &c.

285. My several despatches in the Political Department have kept the Honourable the Governor in Council so fully informed of all transactions and discussions with foreign states, as well as with the principal feudatories and Jagheerdars in the Deccan, and the general political state of the country, that it is perhaps hardly necessary for me to advert to them on the present occasion. A short view, however, of the subject may not be deemed superfluous in a general report.

286. The discussions with the Resident at Hyderabad respecting the proposed exchange to be adjusted in the treaty pending with the Nizam, have not yet been brought to a conclusion; owing principally to the objections which have been raised against the valuation of the cessions made by the British Government to his Highness.

287. The Most Noble the Governor General's decision was, that after the full concession to that Prince of the whole of the Peishwa's Government on account of chouth, excepting that guaranteed to the southern Jagheerdars, the remainder of the transaction, with the reservation of a jagheer to Sullabah Khan,

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Khan, should consist of mutual exchanges, on equal terms, to the extent of about 6,60,000 rupees. This was the amount of the districts to be ceded by us to the Nizam, in lieu of which we were to receive an equal amount of country from his Highness, lying to the westward and on the banks of the Seena river.

288. The principal parts of the district to be ceded by us which lay within the Nizam's boundary were taken possession of by his Highness during the war, and the remainder, being the districts of Ullur Ellora and Seoor Doudulgaum, were ceded in the month of March 1821, on our receiving from his Highness his districts west of the Seena river, up to which period we had received no cession whatever from the Nizam.

289. Although the whole value of the districts ceded by us was found to be, with the deduction before noticed, considerably above the sum assumed by the Governor General, viz. 6,60,000 rupees, yet as our estimates were objected to and as those of Mr. Russel on the part of the Nizam, were within a trifle equal to the above amount, I suggested that this point should be conceded, and that the demand from the Nizam should be limited to the Governor General's estimate, which, including the chouth guaranteed, amounted to Rupees 7,80,000 net revenue.

290. The amount of the cessions received from the Nizam is Rupees 4,31,785. 3½, and the balance of revenue remaining is Rupees 3,48,214. 12½, besides the arrears due on account of the revenue so long held by the Nizam without any equivalent cession, and the excess still remaining against him, amounting in all to nearly twenty lacs of rupees.

291. In the districts which were within the Nizam's boundary, and were ceded to him at the war, were several personal jagheers granted by the late Government to its subjects. These grants were not reserved, and were therefore lost to their former holders; but as all other personal jagheers of the late Government had been restored, and as some of the individuals in question were deserving of consideration from various causes, it was at one time contemplated by the Honourable the late Commissioner, that some provision should be procured for them from the Nizam, and hopes were accordingly given to a few that their cases would be favourably considered. As these grants, however, were not taken into consideration by the Governor General in the scheme of the treaty, which differs in some of its terms from those which the late Commissioner had in view when he looked for a compensation for these Jagheerdars, it does not seem that any opening has been left for a consideration of their claims, unless some reduced provision should be made by our Government for a few of the most deserving.

292. The subject of the arrangements of this treaty have been repeatedly brought to the notice of the Supreme Government: but it does not appear that any final instructions have been communicated, either as to the amount of the further cessions, or the arrears of revenue to be demanded from his Highness. I shall be prepared, when orders shall have been received for adjusting the final details, to avail myself of the opportunity of suggesting to the Resident at Hyderabad the cession of such districts as may tend to the mutual improvement of our boundaries.

293. An investigation has long since been instituted into the possessions of Scindia in the Deccan, in order to ascertain those villages which were ceded to the British Government by the treaty of Serjee Anjungaum, and made over by us, in the subsequent partition treaty to the Peishwa, but which were allowed by that Prince to remain in the hands of Scindia as before. The whole of these villages have been distinguished from those which were reserved to Scindia in the eighth article of the above treaty. It has been suggested, that a portion at least of the former class should be resumed, and that our authority should be introduced into those that are continued, which latter arrangement has been authorized by the Supreme Government, and adopted in a certain degree; but the great question, of which grants are to be resumed and which continued, remains undecided.

294. The inconveniences that attend the present intermixture of Scindia's territories have also been at various times brought to the notice of Govern-

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ment, and they are likely to be increased should the proposed measures respecting custom duties be carried into effect. The embarrassments which are constantly arising from the collision of his local authorities with ours, occasion a very serious interruption to the conduct of public business in the districts, the extent of which can hardly be understood by those who have not had to deal with the officers of a Mahratta Government. Scindia's mehauls in Candeish, which are assigned in liquidation of our advances to him, are under the management of Captain Briggs, and produce considerably above a lac of rupees net revenue. It is extremely desirable that every exertion should be made to effect, by such exchanges as may be required, a mutual consolidation of our territories.

295. Such of the villages claimed by Holkar as were found to be *boná fide* permanent grants by him to his dependents, have been confirmed under sunnuds from the British Government. The nine Nishutwar villages of Wauhgaum, &c. have been restored to him in full sovereignty, and his hereditary and private rights have been continued. The intercourse of this state with the Deccan is now extremely limited.

296. The present state of the Government of Colapore holds out a prospect by no means favourable either to its own stability or to the tranquillity of our surrounding possessions. The recent murder of the late Rajah, under circumstances of great suspicion, the death of his infant son, and the succession of the present Rajah, a youth of the most depraved habits, are circumstances that have led to an almost total dissolution of all authority, and given rise to the best-grounded complaints against the Government, as briefly reported in my late despatches. The influence of Bhow Maharaj and of the dowager mother of the late Rajah appears to have almost entirely ceased, and to have been superseded by the intrigues of a few low and disreputable parasites, who alone have access to the Rajah. Public business is entirely disregarded, the treasure of the state is wantonly dissipated, and exactions are every where made to supply the rapacity of the new chief: so that there seems every reason for apprehending that the country will at no distant period fall into a state of utter anarchy and confusion.

297. The final decision of Government respecting the adjustment of the disputes between Colapore and Sawunt Warree has given great dissatisfaction to the former state, whose expectations had been raised by the original intentions of Government on this subject. I have, however, inculcated forcibly, not only the justice of the decision itself, but the absolute necessity of an immediate compliance with the orders of Government; and I trust that the good sense of Bhow Maharaj, who is still struggling to retain some little share of influence, will induce him to procure the Rajah's acquiescence.

298. The propriety of avoiding all direct interference in the affairs of Colapore has been repeatedly pressed on the notice of Mr. Thackeray; but if the Rajah continues, as at present, to give full reins to his abandoned inclinations, I apprehend that such a crisis will ensue as will render it necessary to deviate from the line of policy at present observed.

299. I have the satisfaction of thinking that the views of the Honourable the late Commissioner for establishing an independent government for the Rajah of Sattara, and the purpose for which this measure was intended, have been already in a considerable degree answered. On this subject I can add nothing to my report of the 24th April. The administration of his Highness's government has been brought to a state of order, as perfect as is consistent with the objects contemplated; his country has been settled with moderation and judgment; his revenue raised to a degree fully adequate to the support of his dignity; and he himself, as well as his ministers, having acquired a respectable proficiency in the art of government, through the zealous and able exertions and instructions of the Resident, his Highness has been released from control, and vested with the full powers of administration.

300 The immediate effect produced by this emancipation on the public mind has certainly been favourable to our character for generosity and good faith, and I have every reason to expect that, as long as the Rajah shall continue to be guided, in points of difficulty, by the discretion and advice of

a judicious

a judicious Resident, the hopes which have been conceived of the beneficial effects of this policy on the country at large will not be disappointed. No judgment can be formed from experience for some time, since the Rajah as yet scarcely knows his own independence, and the extraordinary influence which circumstances have combined to give to Captain Grant over his mind, will long survive the direct exertion of that officer's control.

301. The Rajah's chief danger lies perhaps in his Jagheerdars, several of whom are not much to be depended upon, and require to be strictly attended to. The Naick of Tuttun is respectable, but inclined to intrigue with Scindia. The Akulkah chief is still accused, and strongly suspected of conniving at a little plundering on the part of his mounted followers on the Nizam's boundary; and the Punt Suchen has scarcely renounced his connexions with Ramoossees and other lawless retainers. All of them, however, are improving, and may, I hope, soon be entirely reclaimed.

302. Amongst the principal Jagheerdars, those first in importance are the various chiefs of the Putwurdun family. It is particularly unfortutunate that circumstances should have conspired to sow the seeds of dissention and disorder amongst three out of the six principal branches of this house, and the partitions which have been allowed in the different estates have tended rather to aggravate than to extinguish the animosities which gave rise to the separation. Various vexatious and often trifling claims, of a nature scarcely admitting satisfactory adjustment, have been originated or re-agitated, and I see little prospect of these feuds being amicably settled, unless a plan of arbitration, to which I shall allude in the sequel, be successful.

303. The division of the Merij estate into four shares, and above all, the reservation of the future charge of the fort to the elder branch, have given the greatest umbrage to Madhoo Rao, who formerly managed the whole estate. The domestic accommodation of the two minors and their guardians, and also of Gapaul Rao, has been a fertile source of quarrel, and I have been under the necessity of desiring that the whole of them, excepting the elder branch, whom I have also advised to follow the example, should leave the fort, and provide themselves with houses elsewhere, which however I do not believe they have yet done. The division of the Kooruns, the allotment of the customs, and the partition of the family property amongst the four sharers, are still in dispute, and the arrears of allowance claimed by Gopaul Rao, from the period when his right of partition was admitted up to that when he obtained possession of his share, have not yet been adjusted.

304. Almost all these points of dispute are of such a nature that it is hardly possible for an European to form a correct judgment respecting them, and I have hitherto been obliged to content myself with enjoining them to settle them amongst themselves. A short time ago, however, a proposal was made by Madhoo Rao, which appears to me the most likely of any to lead to a settlement of the disputes: it is, to refer them to the arbitration of any Sirdars who may be named by Government, and requested to send agents for the purpose of mediating in the questions at issue. I have entirely approved of this proposal, and have desired the Vakeels of the other branches to communicate to their masters my wish that they should acquiesce in it. Should they agree, I have great hopes of arriving at a satisfactory conclusion of the present vexatious quarrels.

305. I must not omit to mention, that the resolution of Madhoo Rao to retire from the world rather than hold the fort for his nephew, entirely subsided when he was requested to deliver over the charge and accept of a passport to go wherever he pleased.

306. The final partition of the Jumkhundee estate beween Gopaul Rao and the Chinchineeker having been concluded, the division of the family property and the arrears claimed by Govind Rao remain in dispute. I have done all I could to bring them to an amicable understanding, but having failed, I can perceive no other course so good as an arbitration such as is suggested by Madhoo Rao of Merij. Gopaul Rao has, I fear, fallen into bad hands, and Govind Rao into bad habits; neither of them has any family nor any immediate prospect

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pect of an heir, and both are very anxious about the future disposal of their estates.

307. The partition of the Jumkhundee estate was arranged soon after the commencement of the last fusly; but the actual allotment of villages to Govind Rao was delayed for some months afterwards, until Gopaul Rao had secured a considerable portion of the current revenue; which he now refuses to refund, on the ground that it has never been the practice to pay up any arrears on the occasion of such divisions, and that the whole of the collections have gone to defray the family debts and expenses, of which he offers to produce accounts that have not yet been rendered. I am of opinion that he ought not to be allowed to profit by his wilful delay in giving up Govind Rao's share; but I have hitherto been unwilling to resort to any harsh measures with him, because he continues to assure me of his desire to come to an amicable accommodation with his cousin; of which however there is little hope, except through the intervention of mutual friends.

308. The particulars of the detection of the conspiracy formed by the Carcoons of the Targaum family, to suppress or destroy the will of their late master and to usurp the management of the estate, according to a forged instrument, have already been laid before Government. The Carcoons have been placed in confinement, and I have used every endeavour to cause the production of the real will, or if it has been destroyed, to discover its contents. I have been successful only in one point, which is, that I have ascertained beyond any reasonable doubt that the name of Taee Saheb of Merij, the mother of the boy, was expressly mentioned as a guardian in the will; and further, that Gopaul Rao did on his death-bed publicly commit his widow and son to her guidance.

309. Under these circumstances, I have deemed it proper to write to both the ladies, Kakoo Saheb and Taee Saheb, to request them jointly to nominate some respectable person as manager for their son, informing them at the same time that if they cannot agree, it will be necessary for Government to interfere in appointing a manager, who shall employ agents to be nominated by each of the ladies, since the Carcoons of the family have, by their concern in the forgery, forfeited in so signal a manner all pretensions to trust.

310. I have deputed an agent for the purpose of delivering these letters, and also of endeavouring to discover what has become of the original will, and generally to procure upon the spot what information he can on the subject. I am now awaiting his return with the ladies' reply, when further instructions shall be solicited. In the mean time I have detained the Carcoons in person, and I am sorry to say there is little doubt that they are still supported by the family of Kakoo Saheb, at Targaum, if not by the lady herself.

311. The late refusal of Chintanum Rao to give up Babjee Punt Gokla, the murderer of the Vaughans, sufficiently evinced that the temper of this chief has not improved. The surrender of his lands, to the amount of 1,35,000 rupees, in lieu of his quota of horse which he had declined maintaining, was delayed and refused with the most dogged and perverse obstinacy, until at last it became necessary to take possession of them: since which his ill-humour has, if possible, increased, and he has omitted no opportunity of evincing it in occasional philippics.

312. His unsettled disputes with the Merij family respecting the ancient division of property are still pending at Dharwar, but without much likelihood of early adjustment, since neither party is ever at a loss for expedients for protracting the inquiry. There is in effect little solid object of dispute between them. Shuitamun Rao's wounded honour is, I fancy, the chief point of litigation; and I really believe he would be sorry to find himself deprived of what he considers to be so substantial a grievance. He is still in a very unsettled state of mind, and sometimes writes letters many yards in length; to some of which I have been compelled to decline sending any answers.

313. The chief of Sedbal and Koorundwar require no particular notice.

314. Before dismissing the subject of the Putwurdun family, it is necessary to observe, that the effects of the dismemberment of their estates have been far from beneficial, either to the character of the chiefs themselves, or the

prosperity

prosperity of their territory, into the management of which I fear that many disorders are creeping; and the conduct of their administration has, in my opinion, already fallen short of the high estimate which had been once formed of it. These irregularities may in part be owing to the youth and inexperience of some of the chiefs, and in part to the irritation and animosity occasioned by the present quarrels, which infect not only the immediate retainers, but extend even to the remotest connexions and dependants of the various branches of the family. When the disputes shall have been settled these feelings will I trust subside, and be succeeded by conduct more becoming the former character of these chiefs. The whole of the present generation which was entitled to a division having already received their separate shares, the rule of limitation adopted by Government, restricting from further partition that part of the jagheer which is granted for military service, and declaring that in future all junior branches who may obtain a separate share shall sink into the rank of Jagheerdars of the second class, will henceforth be applied, and will, I trust, go far to prevent all further schisms in this once respectable, but now divided and falling family.

315. Little need be said of Appa Dessaye of Nephanee; he has received his compensation of Rupees 90,000 in lieu of his claims on the chouth, but he seems hardly reconciled to the late changes. He keeps up a considerable number of military followers, of whom his contingent is a very poor specimen. He holds little communication with us: and although he remains quiet, I suspect he is watching secretly to avail himself, in whatever way he can, of any opportunity which the present unsettled state of his neighbour of Colapore may afford. He keeps up a secret communication with Jan Rao Naick of Tuttun, and also I believe with Scindiah's camp. He is supposed also to have contributed his aid to the Jagheerdar of Eechul Kurinjee, in his late resistance to the authority of the Colapore state.

316. The great Jagheerdars do not continue to keep up so much state as they did in the Peishwa's time. The establishments of most of them are conducted on an economical scale; and, as I have had already occasion to report, their contingents are in a state of inefficiency that might form a good subject for the pencil of Hogarth: a large proportion being ill armed, raggedly dressed, and scurvily mounted. The same motives for keeping up a military retinue do not now exist as formerly, since there must now be few opportunities of displaying any parade, and almost all seem to be sensible of the inefficiency of attempting to resist the authority of Government. With reference to their diminished means, Chintanim Rao of Sanglee, and Appa Dessaye of Nepanee, maintain the largest number of military followers.

317. The remaining Jagheerdars, who only enjoy their surinjams, have all retired to their estates, where they live on a reduced scale of expense, although many of them probably have hardly been able to contract their establishments within their present limited income. They are in general much embarrassed by their creditors, notwithstanding that every possible consideration is extended to them in respect to their debts.

318. The amount of personal jagheers to be restored, as stated by the Honourable the late Commissioner, in his despatch of the 25th October 1819, and its enclosures, was Kumal, Rupees 1,13,890.19¼, estimated to produce Rupees 7,46,269. of this amount the Jagheers actually restored have fallen short by Rupees 1,39,834 kumal, or Rupees 83,582 produce. But some additional jagheers have been granted, to the amount of 54,134 rupees, including Rupees 27,000 to Vissajee Punt Gokla, on the discharge of himself and his contingent from service, and 10,000 rupees to the moonshee of the late resident, Mahomed Kuneef.

319. Of the total jagheers granted, the amount which has reverted to Government by lapses from death and other causes has been no less than Kumal, Rupees 1,18,212, being Rupees 73,427 actual produce: an abstract of the whole is submitted for the information of Government.

320. The list of pensions submitted to Government on the 21st November 1820 amounted to Rupees 3,09,066, being Rupees 19,579 less than the amount proposed by Mr. [illegible]nstone. Since that period about Rupees 27,270 additional

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additional pensions have been granted, owing principally to the discharge of extra horse; and Rupees 18,805 have lapsed to Government.

321. The whole of the grants contemplated by the Honourable the late Commissioner as the addition to the Rajah of Sattara, the compensation in lieu of chowth to the Nepaunkür and Putwurduns, and the additional gratuities to the latter, as well as all other intended donations, have been made according to the instructions left by Mr. Elphinstone; and the details have been finally adjusted.

322. It was intended to issue sunnuds to the whole of the Jagheerdars, and all the principal Sirdars were accordingly desired to send in accurate lists of the whole of their possessions: but they have never complied with my requisition.

323. Of the Mootusüddies of the former Government a very large proportion are without employ. Every department, whether civil or military, in the public offices, at the court, or in the country, was formerly filled with them in a much larger proportion than at present. The army, infantry as well as horse, had an ample complement of Carkoons attached to it, and each garrison had also its establishment. The troops of the surinjamee, or feudatory chiefs, who by the terms of their tenure were bound to perform service with their contingents, had likewise their share of those demi-military officers. The Sahookars, too, employed a great number. In all branches the field for service has been greatly narrowed; so much so, that I think it may be confidently assumed that not one-fifth of the whole are now in service: many of these are now living in a state of *désœuvrement*, on the savings of more fortunate times; and a few have applied their little stock to trade and to agriculture. Those who had before been engaged, or had relations engaged in these occupations, do not feel much inconvenience from the revolution that has taken place; but others who had never had recourse to this mode of livelihood have become pinched for subsistence, and are suffering considerable embarrassment.

324. In regard to the great Mootsuddies, the liberality with which Government has continued their personal jagheers, and the ample provision that is supplied by the pension list, have in a very great degree, indeed, obviated the distress that would otherwise have resulted from the extinction of the old Government; the policy, too, of establishing the Government of Sattara has doubtless contributed mainly to this end. The standing orders to Collectors to employ natives of the country in preference to foreigners, has also in this respect had a beneficial effect: but for these circumstances, it would not be easy to account for the universal tranquillity that has succeeded so sudden and unexpected a change of dynasty.

325. The Collector of Ahmednuggur states that he has a good many of the old Carcoons in his employ; and, agreeably to the instructions issued, he continues to give the preference to them on occasions of vacancy. But their inveterate habits of peculation and extortion often oblige him to dismiss them.

326. The Collector of Poona has between fifty and sixty in his employment: but he states that the great body of them are without service, living from hand to mouth in small towns, where they can live cheaper than at Poona.

327. Captain Briggs also employs few but natives of the country; but Mr. Thackeray, as already observed, gives the preference in the higher Revenue offices to the Mootsuddies of our old provinces. In the lower departments, many Carcoons of the Mahratta country are entertained in the service.

328. Of the unemployed soldiery of the Mahratta class, it is fortunate that a large portion have been born and bred cultivators; and there were, perhaps, few in the service who had not at the same time some relations at home employed in agriculture. Many of them were connected with the Potails and Mocuddums of villages, who bred horses with a view to service in the Peishwa's country. The return of so many hands to agriculture must in many places overstock that department of labour, and consequently contract the means of obtaining a livelihood from it; but it still furnishes a resource for a maintenance, though somewhat circumscribed, to perhaps one-half or three-fourths of those who formerly belonged to the military body. Many of the rest live

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on the fruits of former plunder, which in times of war to a Mahratta soldier of fortune is always a primary object, pay being quite a secondary consideration: a man, indeed, seldom boasted of any military success if he had captured no booty. A few of the military have no doubt been compelled to turn labourers, and a small number are said to have gone in quest of employment to the Nizam's territories.

329. Of forei ers, such as Hindoostanees, Rohillas, Sindees, Arabs, or Mewattees, by greater proportion have returned to their native country.

330. The most extravagant estimate of the number of the military class without service, in the whole of the late Peishwa's dominions, does not rate them higher than 30,000.

331. The Collector of Admudnuggur thinks that nearly all the unemployed soldiery in his collectorate have become cultivators; and, that so favourable is the public opinion towards our Government, and so great the awe of our power, that there is no danger of their being prevailed upon to enter into intrigues for disturbing the public tranquillity.

332. The Collector of Poona states that there are a great number of unemployed Mahomedans and Mahrattas, who go about Poona without any certain means of livelihood; persons of indolent habits, who retain the pride of soldiers. He estimates their number at about six hundred, and seems to think them chiefly domiciliated in brothels, to the keepers of which they are not unfrequently indebted for their meals.

333. In Sattara there are many soldiers still living on their relations in the country, besides numerous unemployed foreigners in great distress, who are only prevented by the dread of our power from joining in any disturbance.

334. The whole number of horses in the country from the Tapty to the Toombuddra is not reckoned at more than twenty thousand, exclusively of the Rajah of Sattara, but inclusively of the Jagheerdars: of these horses a moiety perhaps does not deserve the name, as they are little better than tuttoos. The Putwurdun contingents, amounting to about 1,300, many of which were undoubtedly mustered only for the occasion, fully exemplified the fact of the extreme scarcity of good horses; one-third, I may safely say, were mere ponies, another third nearly unserviceable from age and hard work, and the remaining third merely passable.

335. There are probably not six thousand horses in the Company's territories at this moment; of these, but a small number are of a description whose progeny would answer for the service of our cavalry. We may, however, anticipate very beneficial effects from the measures which are in progress for the improvement of the breed. I do not think that any person will at present be found willing to undertake the charge of keeping stallions at their own expense, since almost all the owners of horses have already more than they know what to do with; but when the improvement which the breed derive from the cross of Arab blood, and the advantages which will result to the breeders by the sale of the colts, shall have been shewn, I have no doubt that many natives will be anxious to possess Arab stallions. The horses which have been sent here are much admired, and have already covered many fine mares; it will require time to introduce the plan generally, and I fear that the difficulty of disposing of the fillies will always be a bar to its entire success.

336. When we look back to the swarms of horses that covered the plains of the Deccan in 1817 and 1818, and now see the same country with so very few good horses to be found throughout its whole extent, the change seems scarcely credible. It may however be partly accounted for by the havoc occasioned amongst them during the harassing marches, in which the Peishwa was so closely and incessantly pursued by our troops.

337. The energy and activity of our officers, civil and military, aided by the reliance which is placed upon our good faith, have done much towards reclaiming the Bheels from their inveterate habits, or I may with more propriety say, their hereditary profession, propensities of plundering. The various reports that have from time to time been laid before Government, shew that the plan of pensioning a few of the chiefs, and giving them an allowance

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allowance for a few followers, though not fully successful, has been attended with good effects: many, however, even of those to whom this liberality has been extended, have afterwards relapsed. The jungles and hills of Candeish are still more or less infested by them, notwithstanding the very judicious and zealous exertions that have been at various times made to seize or destroy these banditti. Gang robberies on the highway, and successful forages, in which great numbers of village cattle are carried off, still evince the turbulent and daring spirit of those half-civilized Marauders, of whom but a scanty portion have yet surrendered the bow and arrow for the ploughshare. The chiefs seem to have but an imperfect influence in repressing these outrages though they find no difficulty in exciting a spirit of depredation, whenever favourable opportunities present themselves.

338. In our intercourse with the Bheels in Candeish a communication is generally held directly with themselves, and not through the medium of the Naicks. The succession to their chiefships does not appear hereditary in practice, whatever it may have been in theory; and any man that distinguishes himself by pre-eminence by daring outrage and success in plunder, establishes for himself the title of Naick, and finds no difficulty in collecting followers. It is not unusual, however, in broils amongst themselves, for one to characterize another as an upstart, which proves that the chiefship went in particular families. It is obvious, however, that no one in such a state of society could long retain authority who did not possess some superiority, either of talent or enterprize.

339. The Bheels are at present unsettled and dissatisfied with a Government of order, which keeps them within bounds. Time and conciliation may by degrees reconcile them to the change, and gradually introduce a taste for agricultural pursuits amongst the rising generation, who will find no resource but in labour and industry.

340. The Bheels of the Nuzzur districts have been entirely reclaimed, and are as peaceable as we can ever expect them to be. The Coolies also of that district are perfectly quiet, and do not seem inclined to participate in the disorders of their southern neighbours in the Poona district, who have on several occasions raised bands in the Mawuls. The Coolies and Ramoossees also in the Sattara territory and the Punt Fuchen's jagheers still retain the restless maurauding spirit which has always characterized them under a native Government. In many instances their chiefs have left the service and pay of Government to join in their predatory excursions; nor does it appear that they have any cause of complaint or disaffection towards us, or even the apology of necessity to account for their conduct. The late excesses have probably been principally owing to the character of a few individuals, such as Roopsing in the Concan, Moraree Naick at Sattara, and two or three in this district, who have just suffered the well-merited punishment of their crimes.

341. Against such men military force is of little avail; vigilance and promptitude on the part of our district officers, to crush the first seeds of disorder as soon as they appear and severity on the part of Government in punishing those who are convicted, will best put a stop to these outrages. But, above all, confidence and resolution on the part of the villagers to refuse compliance with their lawless demands and to resist their exactions, would most effectually prevent their recurrence. Such, however, is the want of energy amongst the natives, and so small are the villages in the mountainous tracts which are usually the scene of depredation, that we find the greatest difficulty in inspiring them with spirit enough even to give information against those plunderers, much more to resist them, however contemptible. The state of the Southern Concan evinces how dangerous disorders of this description may become, if early means be not used to crush them.

342. The destruction of hill forts has enabled Government to dispense with many Sebundies. This is the chief advantage that has attended it. The hill people were certainly kept in some awe by the presence of the garrisons of these forts, although they are in general situated on such lofty eminences as to preclude the possibility of the Sebundies acting with any effect against insurgents. On the whole, however, I am inclined to think that their demolition has not been followed by any prejudicial consequence. A list of all the forts

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forts that are now kept up is annexed to this despatch. The rest have been destroyed.

343. Before concluding the political branch of this report, it may be proper to say a few words respecting the feelings of the people towards their late ruler.

344. The ex-Peishwa has never for a moment relinquished his spirit of intrigue, nor his hope of being eventually restored to his country; if not as a prince, at least on a dignified private footing. The large treasures which he carried with him to Bittoor, and which are daily augmented by his savings from his ample income, afford him the means of gratifying his passion for intrigue, and keeping alive, through his emissaries, a considerable degree of interest in the Deccan. Notwithstanding the unpopularity of Bajee Rao amongst the most respectable part of his subjects, there are many of his dependants who are attached to him, and many who wish for his return, in the hope of recovering those advantages from which they are excluded under our Government. A constant communication is still maintained between this country and Bittoor, in spite of repeated proclamations and exertions to prevent it. This intercourse is carried on chiefly by means of messengers sent backwards and forwards with letters from Bajee Rao and his followers at Bittoor to their connexions here. It is a remarkable circumstance, that there is perhaps not one individual of any consequence in the conquered territory who has not an agent, either secret or avowed, with the ex-Peishwa. The least rumour respecting him is caught up with avidity, and diligently propagated, particularly in the city of Poona, where reports of his expected return have frequently been circulated and believed. Almost every circumstance or event of any consequence, however remote, is tortured by the ingenious newsmongers in the city into some reference to the Peishwa and his return. In proof of this fact, I may mention as an instance, that the expected arrival of the Honourable the Governor in the Deccan is at this moment believed by many in the city to be a prelude to Bajee Rao's immediate restoration. I do not, however, imagine that this feeling extends very far beyond the city of Poona, or has much force with any class except the Brahmins, and a few other of the immediate retainers of the late Government. I do not attach any considerable political importance to the readiness with which these rumours are embraced, as I consider them indicative rather of a listless spirit of discontent, which may be allowed to evaporate, than as proceeding from any real zeal for another Government, or attachment for another Ruler, likely to prove dangerous to our power.

345. I have lately had the good fortune to obtain the clearest proof that the attempts at intrigue which are carried on by some at least of the ex-Peishwa agents here, are of the most contemptible description, and I have reason to think that others are equally futile. Upon the whole, I am of opinion, that although the Peishwa's return would be hailed with satisfaction by many, and although his intrigues and intercourse with the Deccan ought to be curtailed as much as possible, yet there is very little danger that any serious attempt will be ever made by the people of the country, either in his favour or that of any other person who might set himself up in opposition to us.

346. A rupture with Scindia, or any other Mahratta prince, would doubtless, as stated by the Honourable the late Commissioner in his report, excite the interest of the whole of the Mahrattas more powerfully than any other event; but the chance of such a contingency is not probable. The means and spirit of the disaffected are so much broken, and the general state and feeling of the people so strongly settled in obedience to our Government, that I do not apprehend any event which is likely to endanger the public tranquillity.

347. In respect to military arrangements, it is perhaps only necessary that I should shew, in the annexed table, the present distribution of the troops in the conquered territory.

	EUROPEAN.				NATIVES.				TOTAL.
	Horse Artillery.	Total Artillery.	Infantry.	Total.	Cavalry.	Infantry.	Total.	Auxiliary.	
Poona...............	..	50	1,000	1,050	550	1,900	2,450	286	3,786
Solapore..............	..	40	1,000	1,040	700	2,200	2,900	..	3,940
Seroor	160	..	..	160	..	170	170	..	330
Sattara	..	20	..	20	..	1,850	1,850	..	1,870
Ahmednuggur	..	..	..	..	..	750	750	} 250	} 1,200
Gungterry............	..	..	..	..	..	200	200		
Total Poona Division	160	110	2,000	2,270	1,250	7,070	8,320	536	11,126
Candeish	..	20	..	20	..	2,060	2,060	528	2,608
Southern Mahratta Country........ } ..	..	200	400	600	650	2,750	3,400	..	4,000
Grand Total	160	330	2,400	2,890	1,900	11,880	13,780	1,064	17,734

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348. The auxiliary infantry have for a long time been disposed of, and their officers employed in the Sebundies. The auxiliary horse have been reduced to a thousand Soucars, and their expense to less than five lacs of rupees a year. I have already submitted to Government a suggestion for converting them into district horse, with the exception, if necessary, of the Hindoostan Russallas, which might be kept up a military body. By this arrangement they would certainly be more readily applicable to the purposes of police, for which they are at present chiefly intended, in the districts; and a very considerable saving of expense, both in members and pay, might be effected at no distant period of time.

Condition of the People.

349. The Ryots in many villages, though usually frugal and provident, are much in debt to Sahookars and merchants, owing to the oppressions of the revenue contractors. Many of these debts are of long standing, and are often made up of compound interest and fresh occasional aids, which go on accumulating so as to make the accounts exceedingly complicated. A Ryot thus embarrassed can seldom extricate himself; his exertions may be compared to the hellish torments of Sisyphus, who had no sooner rolled his burthen to the summit of the hill than it fell back upon him with redoubled violence. It would be hard rigidly to enforce the payment of such debts by distraint of the Ryot's property, for they are of such a character that they can with propriety be adjusted only by a composition, which is rarely to be obtained but through a punchayet. No distraint should ever be allowed unless the creditor gives security for the payment of the revenue due by the Ryot. The meeras fields of Ryots are sometimes mortgaged for these debts, the Ryots in some cases, and the mortgagees in others, paying the Circar dues.

350. The Collector of Ahmednuggur, notwithstanding some embarrassments, is of opinion that there is an universal tone of satisfaction amongst the Ryots, resulting from the improvement of their condition, and he thinks that they are gradually extricating themselves from their difficulties. The general view of this picture is correct, but it is perhaps charged with colours a little too brilliant. He thinks the complaints against them from Sahookars are decreasing, but this circumstance is partly to be ascribed to many of these debts having been declared inadmissible.

351. Captain Briggs represents the unprecedented cheapness of grain as a reason which must render it absolutely necessary to reduce the present rates of

assessment,

assessment, without which he apprehends a serious falling-off of the revenue. Hitherto the district assessment, he states, has been regulated on no very intelligible fixed principle, and consequently emigration of the Ryots from one place to another has occasionally taken place. It is, however, almost as difficult to reduce as to raise the assessment, on data so imperfect as the account which we are yet possessed of.

352. Captain Grant also bears testimony to the ameliorated condition of the Ryots, who, notwitstanding some prejudices against us which they must naturally entertain, are, he thinks, sensible of the superiority of our mode of administering the revenue. He thinks the management of the best times of the old Government cannot compete with ours in point of excellence.

353. He adverts to the practice of pressing Ryots as Begaries, which is still occasionally kept up, particularly by our Sepoys, when marching on detachment and travelling on furlough, notwithstanding the repeated orders that have been issued on the subject. This abuse he ascribes to the ignorance on the part of the Sepoys of the existence of the prohibition, which cannot have been sufficiently explained to them. As a remedy for the evil, he suggests that the regulation should form a part of the standing orders of every battalion, should be read monthly by the interpreter, and enforced with the greatest strictness.

354. The Collector of Poona considers the general condition of the Ryots to be by no means bad, though in the mawuls he thinks the assessment too high and the burdens of Huckdars too heavy; and on the whole, that the people in the western are worse off than those of the eastern quarter of his district. The character and circumstances of the country in the hills, so different from those of the plain, sufficiently account for the difference of their condition.

355. The abolition of the transit duties on grain, a measure which I lately recommended to Government when writing on the subject of the customs, will, I trust, tend materially, by emancipating the Ryots from the hands of the village Banjams, to improve their condition, and to render any general reduction of the land assessment unnecessary.

356. The influx of Ryots from the Nizam's country was at first considerable; but the favourable cowls now granted them are attracting back some part of the agricultural population. This has taken place both in Poona, Ahmednuggur, and Candeish.

357. Some of Scindiah's subjects meeting with little protection from the rapacity of the officers of that Government, have migrated, and we are likely still to gain an accession of inhabitants from the intermixed lands belonging to that chief, if he does not adopt a more fostering system of management.

358. Emigration from one village to another has occasionally happened in Candeish; many Ryots who formerly left the province have, since our accession to the Government, returned from Berar and from Guzerat, and considerable tracts of lands are reported to have been cleared; but, in the course of my tour of upwards of a month in Candeish, I did not happen to observe much recent progress in the felling of the almost interminable jungles which have of late years overrun the province, so as to render it a complete den of tigers and wild animals.

359. Much time and consideration was, at an early period after taking charge of the commission, devoted to the subject of the village debts. The suggestions I had the honour to submit met with the approval of the Honourable the Governor in Council, and were in consequence circulated in the form of instructions for the guidance of the Collectors and Political Agents. Captain Grant, however, is the only one who has fully acted upon those instructions, by taking the necessary preparatory measures for ascertaining the sum of the debt, and classifying it under its several heads.

360. The usurious nature of many of those transactions was such as to secure the creditors from loss if they realized one-half of their demands. The crops of whole villages, as Captain Pottinger correctly states, were often mortgaged to them before they were ripe, and the greatest distress often ensued from the

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the mode of forestalling the market. Where village debts are of very old standing, exceeding twenty years, or where they have been contracted under collusive or fraudulent circumstances, the Collector of Ahmednuggur has always rejected them; but where fair and reasonable, he directs the Camavisdars to call on the Potails and to settle them by instalments. By this method he finds he can satisfy the applicants without distressing the Ryots; and the latter, finding it is not a part of our system entirely to cancel such claims, have begun to compromise them, as far as they have had the ability.

361. Captain Briggs directs his Mamlutdars to assist creditors in recovering village debts, for which the Ryots have become responsible; but rejects those of long standing, which have been contracted on account of advances of the public revenue.

362. I beg leave to refer to Captain Grant's suggestions on the subject of village debts, as conveyed in his answers to my supplemental queries. His observations are very judicious, but they serve I think to shew the magnitude and difficulty of the subject. The great mass of these debts consists, in fact, of advances or loans to the late Government; but the sum is great, and the creditors so numerous, that no Collector can, in my opinion, have time to go into the inquiry, so as to decide what shall be considered *bonâ fide* claims, and what not. Should Government decide on the propriety of taking upon itself this debt, which I conceive to be the only way of extinguishing it, it will be necessary to appoint a commission purposely to scrutinize the demands of the creditors, and to separate the good from the bad, on the principles laid down in my circular, and improved upon by Captain Grant. Both village and private debts in a great degree have arisen out of the exactions of the farming system; and the almost insuperable obstacle to any settlement or even classification, consists in the difficulty of distinguishing what are really public, and what private transactions. This difficulty will be increased whenever an investigation is begun, for all sorts of documents will be fabricated to prove that the claims are more of a public than a private character.

363. The mercantile and banking trades are perhaps those that have most materially suffered by the change from native to European Government; the condition of the Sahookars is in consequence much deteriorated; it being computed that not two-thirds of the former capital are now employed in banking speculations. The cause of this falling-off may be referred to several circumstances, but it should be premised that they apply with much force only to Poona, and a few other large towns in the Deccan.

364. The capital has ceased to be the seat of Government, the residence of a court and its numerous ministers and officers. A great stagnation of trade has ensued, since great purchases of jewels and cloths, and divers valuable commodities, are now no longer required to supply the demands of Oriental parade and luxury. The army now compensates, by its discipline, for its diminished numbers: consumption is, in consequence, every where greatly reduced, and with it has of course followed a temporary decline of commercial prosperity.

365. Another great cause of loss to the banking trade is to be found in the altered mode of realizing the public revenue. A very large proportion of it was formerly remitted either by bills drawn from the districts upon the Poona banks, or if paid in cash, passed through hands of bankers who profited by the exchange of coins before the collections reached the public treasury. Bankers had, in consequence, their agents in the districts, and the ramification of the money trade, in loans to the Ryots, to the renters of villages and districts, extending to every quarter, created a wide circulation of specie, which returned to their coffers with an abundant accumulation of interest. Accommodations of this nature were frequently, too, repaid in grain, which was received at a price much below the market rate, and consequently brought great returns to the lenders. These advantages are now considerably abridged under our revenue system. The Government settlement is made more directly with each cultivator, and the public demands are better defined. Each village pays the public dues directly into the district treasury. What is lost to the Sahookars is therefore gained by the Ryots; and as their prosperity constitutes the

the public wealth, much improvement may be expected to result from the more equal distribution of profit amongst the agricultural classes.

366. The trade of money-lending is much diminished by this change of system, but is still further obstructed by the difficulties which Sahookars now find in recovering their debts. Under the former Government the privilege of tukkaza seems to have furnished a substantial security for the honesty of those who lived on credit. Creditors, by dint of this effectual mode of redress, could starve even the better sort of debtors into compliance with their demands; or, until they should be satisfied, could saddle them with the payment of daily diet-money to those who were sent to besiege and dun them. Debtors of the lower order were treated with still more summary rigour by merciless creditors. They were sometimes made to stand on one leg under a vertical sun; and occasionally, in order that a greater impression might be made, they were compelled to bear a large stone on the naked crown of the head. Should this process fail, either owing to the contumacy or the inability of the debtor, he was probably locked up in a dark closet in the creditor's house, where every means of coercion, short of absolute beating and endangering his life, was resorted to at discretion.

367. No such arbitrary power is now admitted, though a moderate and restricted system of tukkaza is still tolerated; but if, after all, a debtor does not pay, the creditor must prefer his suit to the Collector's court. To this resort he has often many objections. If he is a person of respectability, he thinks it an addition to the evil already sustained by the loss of his money, to be compelled to stand up in the Adawlut on a footing of equality with perhaps a person of inferior caste and degree, whom he considers to have already injured him in purse, the most sensible and vital part in which a Sahookar can be aggrieved. Supposing, however, all obstacles overcome and the debt proved, the only satisfaction usually procurable to the creditor, is to confine the defaulter in jail at the further expense of his daily subsistence. Something, perhaps, may be realized by the distraint of the debtor's effects, but in most cases the amount will be trifling, because the debtor, who either cannot or will not pay, has generally contrived previously to make away with all his moveable property.

368. The present limitation of the power of creditors has certainly served to check mercantile dealings: merchants are compelled to be more cautious in their speculations, and to look more to individual character and collateral security; but to counterbalance these defects, there is now less oppression and more freedom from personal violence and torture. These are unquestionably solid advantages gained; and though the natives, from being long habituated to despotic power, of which fear is the ruling principle, can hardly be expected for a long time to appreciate them, yet their good effects at a future period may be confidently anticipated.

369. In legislating, however, we should keep in view the nature of their former Government, and in emancipating them, innovate slowly, recollecting always that a large share of moral virtue is required on the part of subjects to prevent rational liberty from degenerating into licentiousness, and ultimately leading to contempt and resistance of authority. I by no means think the moral character of the natives so bad as it has been represented to be: but I am certain they have many seeds of depravity which will sooner or later ripen into a full harvest, if we do not continue to rule them a good deal according to the spirit of the laws and usages to which they have been with so little variation accustomed from time immemorial.

370. To return to my subject. I do not find that many Sahookars have either emigrated or become bankrupt since the change of government. Those of Poona are, as already observed, deprived of many sources of trade and profit. The absence of all the Jagheerdars and Surinjamadars who have retired from the capital to their estates is not amongst the least of their losses, and to these may be added the despair of ever realizing the great debts that are very generally owing to them by this class of persons. It is true that the creditors had not, under the old Government, any certainty of recovering their debts, many of which were contracted by broken-down Sirkars and Mamlutdars:

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but as long as any hope existed, the knowledge of their possessing such claims contributed by upholding their credit to advance their mercantile transactions.

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371. As many of the debtors became involved in these embarrassments on the security of possessions and offices which they now no longer hold, they cannot be expected to extricate themselves, or even to be responsible: a sponge may therefore be considered to have been applied to such debts; the extinction of which must, of course, have had a prejudicial effect on the credit of the commercial and banking part of the community. The losses they have undergone by village debts are also very considerable. The subject of these debts was discussed at great length in the letter which I had the honour to submit to Government on the 5th January 1820, to which I have already adverted.

372. Some agency houses, branches of Poona firms, have been established at Sattara, which in part make up for the failures at Poona. In further compensation for the losses of Sahookars and merchants in general, it may be observed, that under our Government they directly contribute nothing to the support of the state. The tax on them is merely nominal, and does not amount to one-tenth part of what is paid by the same classes in many of our old provinces, particularly the Ceded Districts on the Madras Establishment, where under the weesbuddee, or income-tax system, they pay from ten to fifteen per cent. on the annual profits. Sahookars, too, are now exempted from all occasional demands or forced levies, which they were sometimes compelled to pay to the late Government in the shape of nuzzurs, or succession to property.

373. Of the present Mamlutdars, I fear there is but a small number whose integrity can be relied on; and as far as my observation goes, I should estimate that not a third of those belonging to the Deccan are practically acquainted with the details of revenue management. To such a pitch of moral corruption had the Mamlutdars arrived under the farming system, during the latter years of the late Peishwa, that common integrity was never expected from them; and as the mamluts were rented by those who agreed to pay most for them, experience and ability to foster and improve the resources were hardly considered requisite qualifications.

374. Under these circumstances, the policy of now exclusively employing these officers is, in my opinion, somewhat questionable. It is humane to endeavour to alleviate the evils inseparable from a new conquest, by availing ourselves of the services of the natives in preference to strangers; but with such corrupt habits, and such a want of acquaintance with our more regular system of administration, I am afraid our attempts to improve the prosperity of our subjects by means of such imperfect instruments will be attended with limited success.

375. Captain Pottinger speaks very unfavourably of the integrity of his Mamlutdars, and alludes to several abuses which he cannot entirely put a stop to; but many of them are of such a nature as to be greatly checked, if not entirely eradicated, by the vigilance and exertions of the Collectors. He looks forward, however, to a period when they shall become very honest: an anticipation of a change for the better which is more desirable than probable.

376. Captain Briggs thinks favourably of his Mamlutdars, but repeats the general complaint of their want of energy in judicial affairs, and of the disregard of their authority which obtains on the part of suitors, who insist upon bringing their complaints to the huzzoor. Fourteen have at different times been dismissed; all those now in office except one are inhabitants of the Deccan. Considering the abuses that have prevailed, it is not extraordinary that so many have been convicted of malversation or incapacity.

377. Time will shew what effect the almost entire exclusion of the better-trained class of revenue servants belonging to our old provinces will have on the fiscal administration. Those of the country are perhaps less needy, but they are, if possible, more systematically corrupt and intriguing. They are, in general, ignorant of the details of revenue management, and if not judiciously

mixed

mixed in each department with foreigners, their union with the district Zemindars will often defeat the vigilance of the most experienced Collector. Could we find many of Nana Furnaveese's school, we might certainly reckon with confidence on their local experience and their popularity, but those bred up under the farming system are rarely to be trusted as managers.

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378. The Collector of Poona has discussed, in the eighty-fifth paragraph of his Answers to the Queries, the disadvantages of a diffused Government agency. The arguments which he adduces are those which have been used in favour of the zemindarry and against the ryotwarry system of management, founded on the impossibility of always getting vigilant Collectors, and on the dishonesty of all native servants. He declaims with much justice against the intrigues of informers: but he appears not sufficiently to appreciate the advantages that a Collector must always derive from unreserved communication with all classes of persons, and "from receiving all opinions, and being guided implicitly by "none, by which method alone the Ryots can be secured from exaction and "the public revenue from embezzlement." These advantages are entirely precluded, in the absence of that diffused agency which he appears so much to deprecate, and without which, indeed, the Collector himself would degenerate into a mere receiver of rents, instead of exercising the high and responsible office of regulating and conducting the whole fiscal administration of a great province.

379. In the Southern Mahratta country, out of twenty-two Mamlutdars one only is a native; the rest of them and all the Serishtadars of talooks are natives of places south of the Toombuddra. The majority of the Peshkars are also foreigners. Of the inferior servants, such as Gomastahs and Carcoons, three out of four are natives of the Mahratta country; the rest come from our old provinces. Mr. Thackeray observes, that the servants of the late Government have been rendered so corrupt and unfit for business of late years, by the renting system, that it is generally found unsafe to employ them in situations of great trust and importance, and he fears that the habits of most of the present generation are too deeply rooted to admit of reform. Thirty-eight public servants, employed either as Mamlutdars, Serishtadars, or Peshkars, have been dismissed by the principal Collector for embezzlement, corruption, or misconduct; of these, twenty-six were natives of our old provinces, and twelve were natives of the country north of the Toombuddra.

380. I am disposed very much to coincide with Mr. Thackeray in opinion as to the character of the revenue servants of the late Government, and to think that the extent of malversations that occur in each collectorate, will depend in some measure on the degree in which they are employed. Efficiency of control, however, with any revenue servants will depend mainly on the manner in which the Collector employs the double checks of his two Dufterdars, without whose connivance no extensive abuses can ever long remain undetected. An old experienced servant on the Bengal establishment observes with much justice of the native officers, that, "in common with the generality of the natives, "of India, their conduct in the discharge of their official functions is greatly "influenced by the characters and proceedings of the European officers of "Government under whom they are employed, and that under an active Col-"lector of scrupulous integrity, all gross abuse of the powers entrusted to them "may be, and had been frequently prevented."

381. The moment a native is appointed to an office of considerable trust, he begins to think that a portion of predominating power of the Company's Government is transfused into his composition; he is exceedingly apt, in consequence, to grant *de haut en bas* to all those who come in contact with him. This spirit, however, is more observable in the natives of our old provinces who are appointed managers of districts, than amongst those of the new. The reason, perhaps, may be that in our old territory the nature of our institution has in a great degree confounded all ranks and distinctions of persons, reducing the whole to nearly one common level, with the exception of the few whom we employ in office.

382. The annexed translation of a letter from the Mamlutdars of Kurrar to the haughty chief of Sanglee will in part exemplify these observations. The Mamlutdar, it may be added, was discharged for his incivility. He was a native

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native of the Deccan. Captain Grant states, that the Mamlutdars now are certainly less respectful to the gentry of the country than they were.*

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383. The Collector of Ahmednuggur gives his Mamlutdars credit for more civility towards the higher class than I have done; but he very properly forbids them from holding any official intercourse with Sirdars of rank.

384. Captain Robertson reports that considerable jealousy and dislike subsist between the more respectable natives and our public servants generally.

385. Upon the whole I am inclined to think, that although the bearing of our native servants may not generally have been offensive to the native gentry, yet that a greater degree of civility would be very desirable; that the general instructions on this head ought to be carefully attended to by our local officers, and that the prohibition against holding intercourse or interfering with Sirdars of rank should be strictly enforced.

386. If too much trust be reposed in servants immediately in attendance about the Collector, they acquire an undue influence, and are enabled to suppress complaints that would under other circumstances be brought forward. The only effectual remedy for this evil is that of giving an audience frequently to all classes. I have taken frequent opportunities of impressing upon the Collectors the necessity of their sitting a number of hours on certain days of the week, purposely to receive complaints, and I have reason to believe that the instructions are now more fully attended to than they heretofore were.

387. Captain Pottinger states that he is happy at all times to receive visitors of the higher order, and that he sits twice a week in sunnud cutcherry, when he receives any petition that is presented to him.

388. The Political Agent in Candeish receives Sirdars of rank with the distinction due to them, and appears to be sufficiently accessible to complainants.

389. The Collector of Poona states that he sits two or three times a week to hear complaints, according as he can spare time from his other duties; sometimes for four or five hours, sometimes for one only. It would not be doing justice to Captain Pottinger's zeal to infer from this expression, that he considers the duty of a secondary nature; but his mode of sitting has been evidently desultory, and circumstances have occasionally led me to conclude that the time allotted to it has been insufficient to giving the means of acquiring the enviable facility of disposing of complaints which he alludes to as being possessed by gentlemen in other parts of India. It is due to the Collector, at the same time, to state that the people here are litigiously disposed, and that my being on the spot is partly the cause why references to me are more numerous here than from the other collectorates. The importance of giving a ready audience having been pointed out to the Collector's attention, I have no doubt that the recurrence of complaint on this head will in future be obviated.

390. Mr. Thackeray sits from one and a-half to two hours three or four days in the week. The Ryots flock to him in great numbers, and infinite good is done by allowing them either to prefer written petitions, or publicly in the open crowd, *vivâ voce*, to represent their grievances. This method adds greatly to their security from exaction, and serves as a check both on the hoozzoor

* "A. C. Krishnaja Bhousla, servant of Sukaram Naick Kallee, merchant of Kurrar, was sent by "his master in charge of some cash from Kurrar to Merij, on Monday the 12th of Ashrom-wudd; "he accordingly set out from Kurrar, and on the same evening took up his lodgings at the house of "the Potail of the village of Nandra. Next morning he left the village, and was murdered at an "old well on the road, about half a coss from the village, and the money carried off: the body "was left on the spot the whole day, and next day the Potail and Ramoossees buried it. The "Naick had sent to procure information, and has reported these particulars; wherefore, as the "village of Nandra is within your talook, I have written this representation to you. The merchant's servant had lodged in the house of the Potail, and was murdered in the grounds of the "village; you will, therefore, inquire into the business, and send me an answer, that I may communicate it to the hoozzoor. These outrages were not usual in your districts. I have now "reported the present occurrence; the inquiry must be conducted without listening to the mis-"representations of any one. If you recover the Naick's money, your vigilance will be commended "by the Circar."

hoozzoor and district servants. I wish the practice were observed with equal regularity and publicity every where.

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391. Nothing, perhaps, would conduce more to reconcile the higher classes of natives to the change of rulers, or tend more to the popularity of our Government, than a more unreserved personal intercourse with them. It is much to be regretted that our general system of conducting business should leave it so little in the power of our local officers to promote a communication of this description. The advantages to both parties would be very great; we should acquire a better knowledge of their character and habits, and a degree of popularity with them, the attainment of which is an object of the utmost consequence to our Government. They, on the other hand, would gain by an acquaintance with our personal and national character, and the system of administration, and by observing more intimately the effects of an advancement in general knowledge and civilization, would conceive a taste for improvement which might lead to the most important results.

392. These are but a few of the manifest benefits that would arise from this intercourse, the maintenance of which is so strongly recommended by the Honourable the late Commissioner. I am fully aware of the many obstacles to its existence, of the personal sacrifices it would require, of the difficulty of finding leisure, and many other objections that amount almost to an insuperable bar; but I am so convinced of the good which, even in the limited degree attainable, would follow from it, that I think it may be useful to lay some stress upon it as a point of duty in this place, and more particularly as Europeans in general are perhaps not duly impressed with its importance. The attention of the Collectors and their Assistants ought to be more especially directed to this subject, to which sufficient consideration has not, I fear, been given. When on circuit, the visits of the Sirdars and gentlemen of the country ought always to be received and encouraged as much as possible by our officers, who ought not to be too unbending in yielding to those rules of etiquette, of which the native gentry are so tenacious. It ought to be recollected, that since the change of Government has inevitably deprived them of so much consequence, it is the more incumbent on us to continue to them the forms of civil intercourse which are yet in our power; and that although we may be apt to consider them as far beneath us, yet they held a respectable rank under their native prince, which, as we now occupy his place, we ought to preserve to them as far as lies in our power.

393. Young men on their first arrival in India, and their first appointment to office, are so prone to form opinions entirely at variance with those which I have just expressed, and to act on notions so diametrically opposite, that I have deemed it proper to inculcate these principles to the Assistants who have been appointed to the Deccan, and I lately circulated for their guidance the judicious instructions of Sir John Malcolm on this subject. It would, I think, be attended with good effect if a code of this kind were given as a sort of manual for every one newly arrived from England. The motto of it might be in the words of Shakspeare:

"O! but man, proud man,
" (Drest in a little brief authority,
" Most ignorant of what he's most assured,
" His glassy essence),
" Plays such fantastic tricks before high Heaven
" As make the angels weep."

394. I am of opinion that the spirit of the native institutions has really been maintained in the Deccan in a greater degree than in any of our old provinces at a similar stage of our acquisition, except perhaps the Ceded Districts, during the first years of Colonel Munro's administration. The general contexture of those institutions remains fundamentally the same: strengthened but not impaired; renovated but not changed. The same immunities and customs are preserved; the same laws, the same fiscal rules, cleared only of the defects which had in later times crept into them. The religious and charitable establishments, and the village and district officers, have all been maintained in the utmost integrity to which they have been accustomed at the best period of former Government. The prejudices and

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feelings of the Sirdars have been consulted, and though we have not always succeeded, the former subordination have as far as possible been attended to.

395. I may here take occasion more particularly to mention the Dukshuna and the Hindoo College as subjects which have excited considerable interest.

396. The Dukshuna is an institution of considerable antiquity, having been continued for about eighty years under the late Government. It had degenerated latterly into little more than a promiscuous distribution of alms to Brahmins; but a part of the donation was especially reserved as a reward for learning, and was separately recorded, and distributed at the palace to the principal Shastrees. It is this part only of the institution that has been partially preserved. In my letter of the 5th February last I fully stated my sentiments on this subject, and I beg leave to express my opinion that the Dukshuna ought to be continued on its present reduced scale (about 35,000 rupees), and with the restrictions which I then suggested. Much importance is attached amongst the learned to the éclat which is acquired by the exhibition of their talents on the occasion of the public examinations, and to the scale which is affixed to their acquirements by the amount of prize awarded by the Committee of Shastrees who examine the candidates and regulate the distribution. It certainly conduces much to our popularity, and promotes in a considerable degree the preservation of national learning.

397. The establishment of the Hindoo College, although at first regarded with some grains of distrust, has contributed powerfully to impress on the minds of the natives our desire to support institutions for their advantage. Circumstances have prevented the full completion of the establishment; no Shastree has yet been found competent to undertake the medical branch, and this school is in consequence vacant. I entertain, however, hopes that on the occasion of the approaching assemblage of Shastrees at the Dukshuna, a proper teacher may be found. The limitation in point of age has also occasioned a few vacancies, since not many scholars are found within the required age who can pass the initiatory examinations in some of the branches; I am, however, unwilling to extend the limit beyond the age of twenty, and, as many who have been rejected are now studying to improve themselves, I doubt not but the whole of the vacancies will soon be filled up. The present expense is about 1,200 rupees per mensem; the number of scholars on the foundation is seventy-seven, and of those who attend, but have not been admitted, about sixty. I lately visited the college, and invited a few of the principal Sirdars and Shastrees in Poona to witness the exhibition of the scholars, with which they appeared to be much gratified; and I propose that a regular examination should be held at an early period.

398. The investigation of the wurshasuns, or charitable pensions of the late Government, has been nearly brought to a close, but the accounts of all the collectorates not being come in, a decision on the claims, which amount to some lacs of rupees, has been unavoidably protracted. The delay arises from the extreme difficulty of deciding what are valid and what are not valid claims, there being scarcely any sunnuds, or accounts, or any evidence beyond the verbal testimony of the Zemindars to establish the solidity of titles to these allowances.

399. Captain Pottinger, whose sanguine opinions usually lean to a prospective *optimism*, seems to think our Government highly pleasing to the natives in general, and that their attachment goes on daily increasing, and keeping pace with the continually augmenting respect for our authority. This feeling he considers particularly to have been evinced in the district lately received from the Nizam; but, considering the anarchy and oppression under which they have so long laboured, and which must have made any change desirable, the circumstance does not add much to the proof of our popularity. Captain Briggs, too, considers our administration popular. The same opinion is expressed by Captain Robertson, as far as the great body of the community is concerned; though he has no doubt but those who are gentlemen idlers would rather be dabbling again in politics, than be mere spectatorsof the most augustan sway. He does not think their attachment

to

to us increasing, but that they are becoming more reconciled to existing circumstances. Captain Grant, who has perhaps a better opportunity of judging than any of our immediate executive officers, thinks that there are a great many Brahmins and Sirdars who are much discontented with our Government, although our liberal policy, on the restoration of landed property and pensions, and in preserving the native institutions, is highly appreciated by the great body of the people. The opinion of Mr. Thackeray is nearly the same.

400. The present system is unquestionally unfavourable to all who depended upon the patronage of the Peishwa, and to Sirdars in general. This arises from the indispensable policy of a foreign Government, which precludes the possibility of our employing Sirdars in high offices, either in the army or the civil department; our Government is, however, acknowledged to have the advantage over the late one, inasmuch as it dispenses equal justice to all classes without favouritism or partiality. Complaints appear now to be multiplied because tukkaza is less operative and the heads of castes less arbitrary, and because as there are fewer independent authorities to hear and decide on complaints, they are brought into a narrower compass, and by being concentred are more conspicuous. Whether they are, in point of fact, more numerous than formerly must be a question somewhat doubtful. It is probable they are so, because many petty complaints are heard by our tribunal that would not have been listened to formerly, and consequently would not have been preferred.

401. Sirdars of consequence feel, however, our more rigid rule in cases of improper conduct on their parte, since their offences are not now to be propitiated by durbar khurch and nuzzerana as formerly. They also dread our meddling in the affairs of their families, the discontented members of which, as well as their servants, are very apt to complain to us on every occasion of grievance or dispute in the hope that we may interfere, or that through the dread of our interference they may obtain their object. But, above all, they dread the idea of being in any way subjected to our courts, which are apt to confound all ranks and castes, and, in the true English spirit of freedom and equality, to reduce all to one common level. Their fears however on these points are beginning to subside, in consequence of the delicacy which it has been our study here to observe towards them.

402. There are many ill disposed persons who are ready to misrepresent our actions and motives, and to circulate reports and opinions to our disadvantage. There is also a singular disposition amongst the Brahmins in general, to attribute all the acts of our administration, even the most indifferent, to some secret and interested, if not sinister views, however different from the obvious principles and objects of the proceedings in question. Rumours are therefore set afloat and believed, either until experience proves their falsehood, or they are forgotten in some new and equally groundless tale. Numerous instances of these reports, many of the most ridiculous description and some of the most mischievous tendency, have come to my notice. These fabrications passing through the medium of a number of discontented people out of employ, and greedily received by the natives, who have an extraordinary fondness for news and stories of any description, tend not only to keep up a general agitation in the public mind, but to propagate impressions to our disadvantage. I am however of opinion that these feelings are chiefly confined to the metropolis; in the districts, the people have little leisure to think of such matters. They look to the effects of our administration without troubling themselves about our motives; and as it is chiefly amongst the lower classes of our new subjects that those beneficial effects are apparent, so our Government is more popular in the country than in towns, with the poor than with the rich.

403. Although our proceedings are viewed with suspicion by the better classes, yet they are forced to admit the superiority of our general system of management, which if it does not conciliate their attachment, at least commands their respect. With this class we can never hope to be popular: but their dread of our power will keep them quiet, and their suspicions and dislike will be gradually weakened, until they shall have been reconciled to the change. The same effect will be produced in time amongst the military classes, and indeed

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indeed these results have already been in a very considerable degree effected. With the great body of the people, the agricultural classes, our Government is not unpopular, and its popularity will probably increase if our assessment is regulated with moderation and judgment.

404. Considering the numerous disadvantages under which we labour, as strangers and foreigners of a different language and religion, the degree in which our new subjects are reconciled to our Government, and the entire tranquillity of the country, are matters of no small surprise. The effects are, I think, mainly to be attributed to the enlightened policy that has been pursued, in the wise adaptation of our system of management, as nearly as it was possible, to the temper, habits, and prejudices of the people, and our forbearance from all innovations in matters that were not repugnant to reason and justice. By persevering in this course we may hope to secure their steady allegiance, but it would be idle to expect any great cordiality of attachment, because we never can mix with them in any sort of intimacy; and as we exclude them from all the higher offices of the administration, the upper classes must of necessity consider themselves degraded by the change of Government.

405. In closing this report, I beg leave to testify the sense I enterain of the zeal, industry, and ability of the several Political Agents and Collectors placed under my authority, and to express my acknowledgments to them for the information I have derived from their reports and their answers to my various queries; many of which possess on different points particular merit, and some of them evince much talent and diligence of investigation. For solidity I should give the preference to Captain Grant's and Mr. Thackeray's replies; and for variety and ingenuity of research, those of Captain Robertson do him much credit. Captain Briggs's disquisition on the origin and institution of the district Zemindars is also both curious and interesting. Captain Pottinger's reply exhibits a respectable knowledge of the state of his districts, though as they have been drawn up hastily, in consequence of the Collector's having been employed for some months past on a very troublesome and disagreeable duty, they are perhaps less complete than some of the others.

406. I may also be permitted to bring to the notice of the Honourable the Governor in Council the merits of my Senior Assistant, Lieutenant McLeod, from whom I have on every occasion received assistance which I cannot sufficiently appreciate. In the arrangements connected with the transfers and cessions to and from the Nizam, and in the investigation that has been gone into of the possessions of Scindia and Holkar in the Deccan, I am particularly indebted to him for his zealous aid, by which the interests of Government have been greatly promoted; and in the general conduct of the various and important duties of my office, his opinions and his indefatigable industry have at all times been invaluable. I have therefore much satisfaction in thus publicly recording my belief, that in whatever situation it may hereafter please the Honourable the Governor in Council to avail himself of Lieutenant McLeod's services, talents, and peculiar qualification, they will not fail to prove of the utmost benefit to his honourable employers.

I have, &c.

Poona, (Signed) Wm. CHAPLIN,
20th August 1822. Commissioner.

H. D. ROBERTSON, Esq. to WILLIAM CHAPLIN, Esq.,

*Dated the 10th October 1821.**

Revenue Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Mr. H. D. Robertson, 10 Oct. 1821.

Sir:

1. I do myself the honour to reply to your letter dated the 4th November 1820, and to its enclosure.

Size and Population of the Collectorship.

2. The length of my district after the last increase in June 1820, and as it now stands, is, from the north-west to the south-east point about 122 miles; the average breadth may be about thirty-five miles, and the content in square miles

* The copy from which this letter is printed is very defective.

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miles may therefore be estimated at 4,200. The population in this tract, including the city of Poona, may be estimated at 500,000. This gives a fraction more than 119 to a square mile, and including Poona, about ninety-one.

Revenue.

3. The gross amount of the jummabundy settlement for 1820-21 is .... Rupees	12,83,399	0	68
Deductions	1,94,145	0	6
Of land-revenue and sayer the net amount is	10,89,254	0	62
Of customs	2,36,237	0	0
Of various farms and town taxes	25,931	2	56
Total nett revenue .... Rupees	*13,51,422	3	18

Charges.

4. The amount of the charges for the collection of revenue, as stated in the fourth question, was last year, 1820-21, Rupees 93,666. 0. 12, or Rupees 6. 3. 72 per cent. on the collections.

The amount of magisterial and judicial charges was .... Rupees	1,03,167	3	50
The amount of Collectors' and Assistants' salaries was...	51,000	0	0
The amount of military Sebundies was	74,418	1	18
Total .... Rupees	2,28,586	0	68

And the total amount of charges of management and of judicial establishment was, for last year, Rupees 3,22,252. 0. 86.

Number and recorded Value of Villages.

5. The number of Government villages is 1,213: their tunkha is .... Rupees				9,86,904	3	62
The number of whole villages alienated is 314						
Ditto of half ditto is 3½						
Of which .... Total 317½						
The tunkha is .... Rupees	3,13,776	0	47			
The tunkha of jagheer, mokassa, and other umuls, and of enams, is	38,258	3	0			
—				3,52,034	3	47
Remains to Government 885½ villages, &c., whose tunkha is .... Rupees				6,34,870	0	15

Applying those proportions of revenue to the extent of land, as by the fifth question, the Circar's land sixty-three parts and one-third, and the alienated lands thirty-five parts and two-thirds. I do not exactly know that I understand the latter part of the fifth question, as bearing reference to, and connected with the first part.

Number of Mamlutdarries.

6. The number of mamlutdarries for the collection of land revenue and sayer is	8
And for town taxes and farms, is	1
And the total	9

Collections.

* That is, about 3 rupees 6 annas per head, averaged and applied to the number of individuals in Government towns and villages, and about one-tenth part of what an individual of Great Britain pays according to a similar average.

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Collections of Mamlutdars.

7. The average of the collections of land revenue and sayer Mamlutdars is about Rupees 1,25,000.

Outstanding Balances.

8. The balances of 1817-18 were remitted before many of them could have been realized. The balances of 1818-19 now outstanding are .... Rupees 609 0 3

Those of 1819-20 ditto are 5,852 2 92

Causes of Failure in Payments of Assessment.

9 The causes of failure are to be found in bad crops; in the ravages of epidemic, which sometimes swept off whole families; in some instances in the poverty of Ooprees, and even of Meerassadars, which prevented them from fulfilling their engagements. I levy no quit rents in military bazaars. The revenues are derived from the land, from customs and transit duties, house taxes, and taxes on merchandize and professions.

Tanks and Water-courses.

10. No new tanks or water-courses have been made in my district since the commencement of our Government of the Deccan. Under no circumstances is an assessment made in meeras or enam lands for the construction or repair of tanks and water-courses. The villagers, however, always consider it incumbent on them to aid Government by their personal labour in repairing tanks or water-courses of magnitude; but no other contributions have hitherto ever been required by Government or offered by the Ryots; and it is not a condition of their land tenures to afford even manual assistance.

Water-courses..

11. There are few water-courses of masonry in my district. Those which exist were built by the Moguls, and were cleaned and repaired by Government. In six out of the eight Mamlutdars of my district, there are no durhum nor tanks for the purposes of irrigation. Water-courses are made, however, by such Ryots as have fields so conveniently situated, that a channel of earth and loose stones enables them to command a supply of water from rivulets and rivers. Such temporary muds, dams, and water-courses are made by the personal labour of him who chooses to have them, or at his private expense. There is no such regulation or practice observed as the formation of such works from funds acquired, either in money or grain, by a contribution or by assessment of the village community.

Returns of Crops.

12. Returns of the various crops are made to me as the crops are sown. But there is no dependence to be placed on their particular accuracy; they are only useful in shewing an approximated estimate of the grain grown, and the proportion of the different kinds cultivated, in respect of each other.

Difficulties experienced in collecting the Revenues.

13. Few or no difficulties are experienced in the collection of the revenue. Poverty, deaths, and such causes as I have stated to occasion outstanding balances, are the only obstacles met with; distraint of property has never been resorted to. It is only permitted when the Ryot is known to have means, and without any substantial reason refuses the payment of his rent, to attach his property temporarily. Such refusal, however, is a circumstance of very rare occurrence. It is not allowed when the Ryot is a person of ascertained poverty; and if a Mamlutdar through misinformation, or for the sake of example, thinks it necessary to be severe, when the matter comes before me, and the Ryot proves his poverty, the attachment is taken off. Under the old Government even distraint was seldom resorted to. If the Ooprее fled, his bullocks were sold, if the rest of the villagers would not assess themselves for his failure; but a Meerassadar's field and bullock were never sold by Government, although perhaps his Bhaws would oblige him to do so himself, to reimburse them for their payment on his account. The responsibility of payments to Government formerly was mozewar, or general on a village, not particular on individuals.

Land

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Land to Village Temples.

14. Appropriations of land to village temples and their ministers have been continued, or otherwise, according to the rules regarding such alienations of land sent for my guidance. The attachments I have made are very few, and indeed I am doubtful that I had any right to make those, or to question the grants.

Substitution of Stipendiary Allowances for Land.

15. I am not prepared to inform you whether stipendiary allowances have been granted in lieu of land, since that kind of land tenure you contemplate is not mentioned. But it may be stated as a general principle, that if Government ever obliged a person to take money in lieu of his land, he, having no resource, would take the money; but it will not perhaps be found that there is any instance where an individual has ever voluntarily changed a landed income in payment of a stipend for a pecuniary one; and if land was not changed when so held, much less would it be so when held in enam or meeras.

Hearing of Complaints.

16. I sit two or three times a week to hear complaints, according as I can spare time from other duties, sometimes for four or five hours, sometimes for one only. Complaints are received in writing, and explained *vivâ voce.* It would be an endless task to hear all the interlocutory matter of Mahratta complaints. The enviable facility of settling disputes and of giving eight to ten decrees in half an hour, or special order on *ex-parte* representations and assertions, enjoyed (I have heard) by gentlemen in some parts of India, can never, I am sorry to say, be hoped for here. The people I have to deal with tell many falsehoods in speaking, which they will seldom put in writing from fear of punishment; they consider verbal communications as mere wind: but written representations, to which they put their names, they look on as dustaweizes, which they may not escape from proving.

Kumal and Tunkha Rentals.

17. It may be unnecessary tooccupy more room in this letter by replying in detail to the origin and nature of the kumal and tunkha rentals, since I have written on the subject at great length in my report of the 1st May 1820. The Mahratta kumal may be said to owe its origin to the intention of Government to revise the assessment on meeras land, and to fix it at a rate bearing reference to the quality of the soil as ascertained by survey. I say meeras land, because had the land occupied by the Ooprees, *i. e.* tenants at will, and not proprietors, no such formal proceeding would have been required or thought of by such a Government as that of the Mahrattas, which would have very soon ascertained the value of land, without any other scrutiny than dividing it into lots and putting them up to the highest bidder. It is possible that the kumal was intended to fix the amount of the Government rights on villages assigned in payment of services as jagheer or surinjam, and thereby to prevent oppression by the holders. But then why should those villages which remained to Government, and which formed the greatest portion, be similarly treated? I shall in the sequel remark further on the kumal, and shall only now observe that I have detailed in my report of the 1st May 1820 the different measurements made of the land by the Mahomedan and Mahratta rulers of this country for the last two hundred years.

Meerassadars, or Thulkurrees.

18. Before adverting to the information required respecting soils and grain, and the Ryots' and Government share of the produce, I proceed to answer the questions respecting meeras tenure and Meerassadars.

19. Certain Ryots of my districts, called Thulkurrees, possess a private inheritable property in the soil, and other Ryots do not. This property, which they inherit, consists in the right of holding the soil to themselves for their own private use, to the exclusion of all other persons. The Meerassadar or Thulkurry may be said to be, "he that hath lands or tenements to hold to him, "and his heirs for ever, generally, absolutely, and simply." The allodium of the land, however, rests in the King or Government, since the Meerassadars

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owe to the ruling power a return for the possession of it, which return is here a payment in money. Sir Wm. Blackstone states, that no subject in England possesses an allodial property in the soil, it being a received, and now undeniable principle in the law, that all the lands in England are holden mediately or immediately of the King. The King therefore only hath *absolutum et directum dominium*, but all subjects' lands are in the nature of fesdum or fee. A subject therefore hath only the usufruct, and not the absolute property of the soil; or, as Sir Edward Coke expresses it, he hath *dominium utile*, but not *dominium directum*; and hence it is that in the most solemn acts of law we express the strongest and highest estate that any subject can have by these words: "he is seized thereof in his demense as of fee." It is a man's demense, *dominium*, or property, since it belongs to him or his heirs for ever; yet this *dominium*, property, or demense is strictly, not absolute or allodial, it is demense as of fee, that is, it is not purely and simply his own, since it is held of a superior lord, in whom the ultimate property resides. I have thought it worth the while to transcribe instead of merely referring to these passages, because they describe truly what I conceive to be the relative situation of a Thulkurree or Meerassadar of the Deccan, in respect of his land, to the ruling power, and shew that he is in no way inferior in point of tenure, on its original basis as described in the quotation, to the holder of the most undisputed freehold estate in England. That the holder of a freehold was originally obliged to give service and not money for his privileges, does not alter his relation to the sovereign or to the land. He held this estate in consideration of making the prince a return; this return was at first service, it is now money service; was that return which the prince stood most in need of when the land was given up, money was that return which he found it most convenient afterwards to require. (*Sic. orig.*) In the same way, although the Hindoo lawgiver ordained one-sixth part of the produce, as the terms on which Hindoos should be allowed to hold lands from the absolute lord of them, the relation of that landholder to the prince in respect of the lands would have been in no ways altered, had the prince required the holder to give him a return for the usufruct of the land, in service, in money, in jewels, or in any other thing instead of in grain, provided always that the *reddendum* required was of such a common nature as to be at the command of the landholder, without rendering it incumbent on him to give back the land rather than perform the new terms propounded for his acceptance. In the course of time, however, and after several generations, the sovereign's right to propound such terms as would be greatly incompatible with the terms theretofore observed, or which any recorded law did not sanction, or which the holder could not satisfy without being reduced to poverty, would become circumscribed by the then generated right of the holder of the usufruct to make a reddendum according to former usage, or of no more than an equivalent in some other kind of return. That a right can thus arise requires no elucidation; perhaps more than a half of the rights of every community are founded on former custom and immemorial usage. When a custom has passed through a sufficient period, and no attempt to change it is made, or if made and successfully resisted, a right that custom shall be thenceforward observed becomes established. (*Sic. orig.*) This observation may be said to have been exemplified in the reign of Edward the First of England, who being a warlike king, began to propound such terms to the holders of his allodial land as would have ruined them had they not forced him to allow them to tax themselves, and so bereaved him of the power which he had heretofore assumed of imposing arbitrary taxes on the people, because the famous charters of Henry the First and John were then almost dead-letters, and would soon have been rendered completely so by Edward, had there not been, by the determined conduct of the Barons, a successful opposition made to his attempt to nullify those compacts which were founded on usages that were then daily becoming more and more obsolete. The true nature of law and government was at this time so vaguely understood in England, that it cannot be considered contradictory to term that a custom, which though in itself a legal compact, was nevertheless dependent (especially when an active king was one of the parties) for its permanent confirmation on the custom of its due observance. Mr. Hume states that it is computed about thirty confirmations of the great charter were at different times required of several

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several kings; and he adds, though arbitrary practices often prevailed, and were even able to establish themselves into settled customs, the validity of the great charter was never afterwards (A.D. 1297) formally disputed.

The Subject continued.

20. The ancestors of many of the present occupants of the lands of the Deccan were probably holders of land antecedent to the Mussulman conquest of their country, on the condition of paying a reddendum equal to a sixth part of the produce of the land they held; that is, they were probably circumstanced according to the laws of Menu.* These laws evidently contemplate the soil to be the allodial property of the King as lord paramount, they also contemplate those who have the usufruct of them to be no less possessed of a real property in them; but while they do this, they at the same time declare the King's original and real privileges in them, not to become, in emergent cases, invalidated by disuse; although in the very passage wherein this is declared, the obligation of the King not to infringe an established principle is shewn to be a sacred one. Thus the reddendum which the King is entitled to by law, or by original compact, "is one-sixth, one-eighth, or "one-twelfth part of the produce, according to the nature of the soil:" he is however permitted at a time of urgent necessity, such as of war or invasion, to increase, and to take even a fourth part of the crops of his realm; but the declaration of the law, that in doing so on such occasions "the King "commits no sin," is confirmatory in the highest degree of the obligation he is under on all other occasions to take no more than the law authorizes.

Continuation of the Subject, of Meerassadars.

21. The Indian monarch has however a great advantage on the latitude thus acknowledged to him by law, and it is presumable that his conscience never stood much in his way in respect of the sin, if he took, on less pressing occasions than those specified by the lawgiver, more than the established indemnification for the usufruct of the soil. Even if a few peaceable or patriotic monarchs should in succession have neglected to use the latitude allowed to them on urgent occasions, the written law on the subject remained on record, and would be referred to and acted upon by an ambitious or avaricious King, in opposition to any short-lived forbearance of power by his predecessors. The influence therefore which appears to have acted on the operation of the same general principle, originally subsisting in England and in India, have tended in the former country to cause the loss to the King of the greatest source of wealth to a country, though the most highly-prized privilege of a despot, the power of drawing at his own will from his allodial territories such supplies as he may conceive necessary for the support of his Government and the defence of his subjects, while in the other country they have tended to maintain to the King this pernicious power, by preserving the reminiscence and acknowledgments that the lands are his, and that they are held by those who occupy them, in consideration of a return to their absolute lord, variable according to his exigencies, or in other words, his will.

Continuation.

22. From these causes have resulted these effects. In England, the return for the usufruct to the King remains nearly what it was originally fixed at.* In India, whether the Hindoo princes were conscientious enough or not never to take more than a sixth, or even a fourth, there is no doubt but that many of the Mahomedan kings made the most of their allodial rights as sovereigns, and proved to their subjects in a practical way that the *dominium directum* of the land was theirs up to the very point where it was just barely possible for the landholders to subsist on the *dominium utile*. It seems very probable, however, that Ukbar was not of this number, and that he conceded more to the holders of this *dominium utile* than they had been in the habits of enjoying before he benefited the country by his wisdom and moderation. I consider it also probable that Mullik Umber's object was to concede as much in this way as he could, as well perhaps from a just sense of what was due to his subjects,

* See Mr. Ellis's able and learned replies to questions regarding Meerassadars.

† About one-fifteenth part of the produce is, I believe, all that is paid under the denomination of land-tax for the usufruct of the soil. The other taxes no doubt bear on the land, but they are imposed by the people themselves.

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jects,* as to secure to himself a well-cultivated and thriving kingdom, to enable him to cope with his neighbours.

Distinctions between the words Land-rent and Land-tax.

23. An able writer has been at great pains to shew, and in my opinion, satisfactorily does so, that the Ryots of India in general possess an usufructuary inheritance in the soil, but he puzzles himself with the distinctions between the words land-rent and land-tax; and although he claims such an absolute property for the Ryots in general as usufructuary possession entitles them to, yet he says that they pay a rent and not a tax. Now if I were to make any such distinction respecting the payment made by the Thulkaries of the Deccan, I should term it a tax, and not a rent; nor should I be inclined to think otherwise of its nature were the assessment higher than it actually is. These English names for the assessments in India are both of them too technically precise in respect of their acceptation to tenures in England, to yield any thing but a confused notion of what is meant to be expressed when applied to the tenures of this country. A more proper name than either of them would be one of a more general signification, such as I have used already, and which is found in Scotch feudal tenures, the word return or *reddendum;* in using such a word there can be no mistake, it implies nothing in particular beyond this, that something is paid in return for the possession or usufruct of the soil. It leads to none of those mistakes which are apt to arise from our fancying a tax to be a small portion, and a rent to be the whole portion of what an usufructuary possessor of the land would pay to the lord; and from which mistakes Mr. Paton makes it appear that the payment of a person holding land immediately from the sovereign cannot be a *tax*, but a *rent;* but that if the same person could subsist by letting out such land and allowing another to hold it as it is called in law *mediately* from the sovereign, the payment would in his opinion be a *tax;* and from such premises he deduces that because the landholders in India hold immediately of the sovereign, they pay a *rent*, and not a *tax*. But it is quite erroneous to assert, that because a payment here may be too great to allow of the person making it to subsist at his ease, and in comfort, and without labour, it alters the nature of the payment, which can alone rest on the nature of the possession of the land; there may be a very high tax or a very low rent. To avoid the inaccuracies liable to the use of such terms, therefore, which sometimes give an unintended colouring to tenures of land, I shall use neither the one nor the other in this address, in speaking of the Thulkaries' payments to Government for the land.

Present state of Thulkaries.

24. I shall not proceed to discuss the condition of Meerassadars or Thulkaries at present, for whatever *may have been* their rights, what it no doubt concerns the government most to know is, what their rights now are. The foregoing remarks however will, I trust, be found useful in elucidating this part of the question. The Thulkaries certainly possess at this day very strong and well defined rights.

25. It is not necessary perhaps to advert to the first impression I imbibed about the Thulkaries of the Deccan; I may however observe, that I have yet discovered no reason to alter my first general notions of the independent nature of their land tenure, but on the contrary, all the inquiries I have made and the papers I have examined, are confirmatory of their rights; being nearly as I have already described them in March 1818, and in my report of 1st May 1820.

Division of Land of a Village.

26. Every original paper relating to Thulkaries and their occupation of land, every return I have obtained from the districts concerning them and the ancient distribution of land, proves beyond a shadow of doubt that at a former time

* It is quite unnecessary for any person to *set about* proving what is already so logically and clearly established by Mr. Ellison, in his reply to the question whether Meerassadars having a right in the soil different from that of the princes, both these rights have a concurrent existence in respect of the same land. Whether Mullik Umber observed this principle philosophically, he certainly did so practically, and has left convincing proofs that he believed the cultivators of the soil to have rights which the monarch should respect and cherish.

time the whole of the arable land of each village was apportioned out amongst a certain number of families. This number appears to have been seldom less than four, or more than twenty-five, although in large villages with dependent warrees or hamlets there have been from thirty to forty. The lands they occupied were distinguished by the surname of the occupants. The estate of the Jadoos was called Jadoo Thul; that of the Scindias, Scindia Thul; that of the Powars, Powar Thul, &c., and though not a descendant of many of these original proprietors remain, the estates they occupied still retain their names.

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The Jutha.

27. These families were called Juthas. Whether each of them was composed of only one person when they were first established as possessors of the land, can only be supposed. The probability, however, is that there was only one person, who with his children took a fourth, or a fifth, or a sixth, &c. share of the lands of the village; because this original share, whatever portion of the whole village lands it may have been, is now found in those juthas which remain perfect, to be held in small portions by persons of the same family and surname who have acquired their separate shares by the law of Hindoo succession. The original thul, or estates, therefore is now divided into a great number of small portions according to the number of lineal descendants of the first occupant. These descendants collectively are termed a jutha; they are inferred to possess the whole of the original estate among them; they are responsible as a body corporate for the payment of whatever is due to Government and others for the whole estate; they are therefore responsible should one of the owners of a share let his land get out of cultivation or desert it for some other pursuit, to pay among them that person's share of the dues, and the land of that share is consequently at *their* disposal to make the most of it to indemnify themselves. In the same way, if a member of the jutha should die without an heir, his portion of the family estate is devisable among the surviving relations according to the Hindoo law of inheritance.

Individual Members of a Jutha.

28. The individual members and sharers of the land of a jutha appear always to have been at perfect liberty to do with their own portions what they pleased, to let them out for one or for several years, or let them lie fallow. Whatever they did with them, however, they were responsible to the other members for contributing the dues of their portions to make up the whole amount payable by the jutha for the whole of the original estate. It was therefore an object with the whole of the members of a jutha to see that each individual did not, by extravagance or carelessness, ruin himself, and thereby burthen them with the payment of his share. It was also at the option of (*Sic orig.*) any individual this his bap rostee, or patrimony: if any one of his relations had the means of buying it, it was never allowed to go to a stranger, but if they had not, and the necessity for selling it was imperious on the ruined member, it was made over to any one, a Brahmin Coombee of another jutha, or a Mussulman, according to whoever might offer himself as a purchaser. Such sales and transfers caused the introduction of a distinctive appellation in respect of them. The great body of sharers being connected by blood termed themselves ghur bhow, which with reference to the reason of the appellation being given at all should be translated "*consanguineous co-partners*," and the new member was termed a "broder bhow," which may be said to mean "brother by," or in "co-partnership." The new member became liable to all the particular customs and rules which bound the body corporate into which he had entered.

Heads of Jutha.

29. Several old Thulkaries agree in stating that very long ago the representative of the elder branch of the jutha looked after the cultivation, and collected the dues from the junior branches, and that he stood between the junior branches and the Mocuddum of the village, who, when there was any deficiency not readily paid or outstanding from any of the lands of the jutha lying fallow on account of disputed succession, or other cause, never looked to the members of the jutha generally, but to the senior member of the family alone, to produce, how he could, the stipulated dues for the whole estate; but there

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there is no trace of any such arrangement having existed within the memory of man.

The Potails of Jutha. The Mocuddum.

30. Upon the principle, however, that each jutha should have a responsible person at its head for the pecuniary concerns of the body in relation to the ruling power, one jutha appears to have been selected, either by Government or the other juthas, to perform, through the representation of its elder branch, the duty of collecting from all the other juthas, and to be responsible for the claims of Government on them all, thus collectively rendered under one head a body corporate for the discharge of certain obligations and for the enjoyment of certain privileges. The members of the jutha thus selected have the distinguishing appellation of Potails, and probably always had that, or some other distinguishing name, and that a person of the elder branch of it actually *in officio*, as its head, is styled Mocuddum of the Potail's jutha, and thence of all the other juthas of the village. From the meaning of the word Potail, it seems probable that he was the first person who occupied the new village, and that, from that circumstance he and his family and descendants acquired the title of Potail, and also the respect of those who subsequently settled in it. Mocuddum being a Persian word, was no doubt introduced by the Mahomedans. Its meaning is the first, or head man of any particular caste, profession, or community.

The Mocuddum Dignity. The Chowgulla's Jutha.

31. The jutha of Potails is now respected in the village beyond all the other juthas. As relations of Mocuddum, or head of the society, they have acquired a consideration generally only conceded to rank and to those who are related to the great. The Mocuddum's station as the manager of the affairs of the society is supported by positive advantages, for besides his own share of an estate as a Juthadar on the tenure of a thulkaree, he has enam lands liable to no impost, the management of the village Sadirward expenses, for, and on account of the corporation, and some dignities, together with other substantial perquisites. On the same principle that the members of a jutha were obliged to make good among them a particular portion of the whole demands upon the village, should any one or more of its members fail in their individual payments, so the whole of the juthas collectively were bound to levy among them any balance due by a jutha which might fail in its payments, either from the partial poverty or the total ruin of its members. In the same way perhaps as the duty of conducting the affairs of the village was assigned to one jutha, so another jutha became the hereditary performer of another duty, that of Chowgulla or assistant to the Mocuddum in all his duties.

The Mocuddum's Power and Privileges.

32. It is probable that the Mocuddum was formerly, and still continues, as much a natural head of the village society as a servant of Government. The united families having become, as I above described, jointly and severally under his superintendence responsible for the whole of the demands payable by them, it was a circumstance of no small moment to maintain respectably a representative of their own body; and by keeping him between them and the officers of Government, to secure to themselves a freedom from the impatient discharge of their duty by public tax-gatherers. The Mocuddum is in fact, as the Honourable the late Commissioner has observed, "the key-stone" by which the other materials have remained compacted. He was, and is still, a magistrate, by the will of the community as well as by the appointment of Government: he enforces the observance of what in England would be termed the bye-laws of the corporation; he formerly raised by contribution sums of money for the expenses of the corporation *as such*, and for the support of his own dignity as its head; he suggested improvements for the benefit of the association, and marshalled the members to aid him in maintaining the public peace; he dispensed, and still dispenses civil justice as a patriarch, to those who choose to submit to his decision as referee or arbitrator, or he presides over the proceedings of others whom either he himself or the parties might nominate as arbitrators in their disputes. His privileges of drawing on the purses of the corporation for village saderwarid expenses, appears not to have been in any way controlled, until the time of the settlement of the kumal in A.D. 1758 and

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and 1760; whence the village sadir-warred takes its place in the jummabundy settlement of Government, which only then seems to have taken on itself the right of regulating this exaction, and keeping it within bounds. I enclose a list of the authorized items it comprized when thus brought to light, as extracted from an account just after the kumal was established. My own opinion is, that the Mocuddum, in virtue of his being president of the corporation, originally had conceded to him the management of its affairs, and the regulation of the village feasts, churches, and corporation dinner; and that, like most other such presidents, he turned the money of the corporation to his own advantage, and by degrees introduced a new item or increased the amount of an old one, until he burdened his corporation pretty heavily: a good reason why he should not be allowed to do so till the end of time.

Some of the apparent effects of association adduced as proofs of its existence.

33. In a country like the Deccan, subjected for several centuries past to perpetual revolutions and disturbances, many villages must have found the benefit of their being thus constituted into a society, where all the members were bound to support each other, and to share in the misfortunes, and to be at last relieved from burdens by the success of each other. The spirit of association is attested all over the country by the walls round villages, and by the brave defence of them against even large armies. It is remarkable that this concert of design has never tended to the erection of public works that would have improved the agriculture of the country. The chance of violent disputes about the participation in such benefits may have been one obstacle, and the fear that the demands of Government would have been increased may have been another.

The principle of assessment in the Juthas; reciprocation of responsibility in operation in certain cases.

34. In my report of the 1st May 1820, I offered my opinion, from the information then before me, and the general impressions I had up till that time acquired, that the village was a body corporate; you will perceive from the tenor of the foregoing paragraphs that I still retain this opinion. It will, however, be proper to repeat what I have said in that report regarding individuals, for as the observations are equally applicable to the operation of the more ancient condition of the people when divided into juthas, it may prevent misconception to repeat them in this place. After stating that it would be the interest of a great number of persons to see that the whole of the lands should be brought into cultivation, in order that themselves (in case of a failure or several failures) should have to furnish a less share of the amount payable by the village in discharge of the fixed village settlement, I remarked: "But "this principle was self-destructive as soon as any great calamity might occur "which should depopulate the village, or ruin several of the members of the "village corporation; and the Government accordingly always made allow-"ances in such cases, either by granting deductions from the full rent, pay-"able in every bad season, when war or pestilence had devastated the country, "or by only taking a rent on the quantity of ground actually in cultivation."

35. On first view, this necessity on the part of Government appears to leave all the disadvantages of a fixed settlement on its side of the Thulkurries; but in nine cases of the ten it will be found that the Government itself was in a great measure the cause of the ruin which too frequently drove it to this necessity, by not sufficiently protecting its subjects from other powers, or by oppressing them itself; the fixed dues on account of land bearing often a small proportion to the extra exactions through oppression.

36. In course of time some Mocuddums sold, either in whole or in part, the rights and privileges they possessed. Then two or three sharers by purchase of the Mocuddumee were established, and they each took a certain number of juthas (or of individuals, Bhow-bunds, or Thulkurries, if the village had been much broken up) as those from whom alone their share of stauks and paun was to be realized. They also assessed these juthas in thulkurries only, and realizing the amount, paid it to the Mocuddum, who held precedence among them. These divisions were termed thulkurries or surrufs, and consisted of as many as there were sharers in the Mocuddumee. A Tuck-

 seemdaur

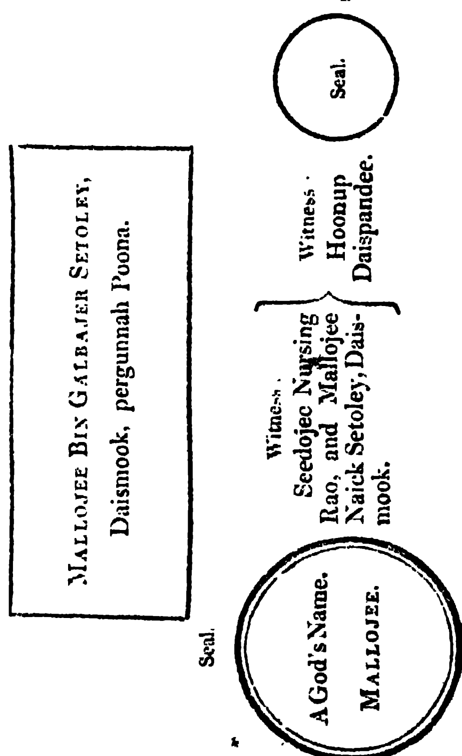
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seemdaur also had the patronage and assignment in cultivation of a portion of the ghutcool land, in proportion to his share of the Mocuddumee. I shall shew hereafter that such a patronage was a source of profit. This plan of ranging a certain number of juthas or thulkurries under each Tuckseemdaur was, no doubt, a good arrangement for the Ryot, who would not thus be liable to imposition from having to pay his dues on account of Mocuddumee to more than one person. The maun paun enjoyed by the Mocuddumee he never shared among the Potails, his relations, unless when the office was of recent acquisition by purchase in which case the maun paun was divided among the whole of the members of the family. These rules and observances still continue in force. I shall now proceed to give, in somewhat greater detail than I have in any former report, an account of a Thulkurry's or Meerassadar's rights and land, and of ghutcool land.

37. In my report of the 9th March 1818, I shewed that Meerassadars could sell their meeras land. I submit the translation of another specimen of such a consequence, together with a copy of the Mahratta paper.



"On the 1st day of Murgeshwurshud, Sickey 1649, "A.D. 1727, I, the Mocuddum of the village of "Kherkee make to you, Tanajee Ben Bappoojee, "Powar of the village of Nigarree, near the bank "of the Neera river, and under Sattara, this "writing, in that I, having been obliged to incur "a debt to make a payment to Government on "account of a quarrel about my wuttun, am anxious "to dispose of twelve gunnees out of thirty rookhas "(*i. e.* five suggunnees) of the private land (khasgut "thul) of the deukens of the field called Wurzaee, "for the sum of Rupees 275, to enable me to pay "off my debt contracted on the above account; "and as you wanted the field, and, agreeing to my "terms, have given in 275 rupees in cash, I hereby "make over to you, &c, (describing the bounds) "the above-mentioned land in meeras, and do you "make the keerd (cultivation) of the same, and "enjoy it, you and your heirs for ever. Pootur, "Pawah Purunpurrey."

[Here follows the attestations of Potails and Ballooties].

38. The village, that is the Mocuddum and Samust Debijan, can sell ghutcool, or land of which the proprietors are not forthcoming, and to occupy which none of the members of the jutha that formerly occupied it are extant; an example is hereunder given, and a copy of the deed in Mahratta accompanies that despatch. From these documents also it may be gathered, that in making a public work the whole village is consulted about its erection, and the means of raising money to erect it. It will also be seen that, in virtue of the possession of meeras land, the holder of it is entitled to have a particular spot of ground within the village assigned to him as his exclusive property. This mode of acquisition by accession, the property of the principal thing drawing after it the property of the accessary.

"A meeras puttee is erected in Sickey 1707 Sumverstser (A.D. 1785) whose "name is Veswawngor on Shravun Shud the 13th, in favour of Gunnesh "Konhere, Koolkurnee of Ahmednuggur kusba, and at present an inhabitant "of Loona, by the Mocuddum and Seerusth Dashyjan of the village of "Errowna, turruf Havaily, of the aforesaid pranth, Soorsun Seet Sumaneen "Meya Voalif (1195), A.D. 1785, to the following effect, *viz.*

"In the aforesaid village it having been unanimously agreed to erect a "temple to Shree Marotee, and also unanimously resolved to raise the "funds requisite for doing so, by granting land in meeras on paying a sum "of money, and you having accepted the offer, we made an agreement for "your receiving six rookas of land on the payment of Rupees 301. Now, "as you have paid the said sum of Rupees 301, to enable the village to have

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" a temple erected for Marotee, you are hereby constituted the owner in " meeras of six rookas of the southern part of Kokerpathee thul, which " altogether consists of twenty-four rookas of land. The description and " bounds of the portion thus assigned to you are as follows:" (Here the roads and boundaries of other fields are described.)

" You are also hereby entitled to occupy the under-described ghutcool land " within the village, in length fifty haths and in breadth twenty-five." (Here enter the bounds.)

" The above described six rookas of land of the Kokerpathee estate (thul), " and vacant spot in the village for building upon, are accordingly hereby " assigned to you in meeras, which you and your descendants shall enjoy " unmolested, it being incumbent on you, however, to pay the sarra due " to the Dewan (government), and the Khurrede Gulla, and the Koolkurnee, " and the gram khurch, and kirba and vet beegah, and jewar ava, and other " dues (wugheiry, purely pawn), whatever they may be, according to the " custom of the village. To the above-stated six rookas of land now trans- " ferred we have hereinafter no claim or pretension (arta artee Sumund Nahee), " but do you and your posterity enjoy the occupation (or usufruct), (anab- " how), uninterruptedly. We have admitted you to be a meeras bhow: nei- " ther do we or any other person possess any right of interference in the " above described lands; and as we have made over the lands to you, we " engage to answer to any claim or interference advanced by any one against " you. As we have executed this deed, we swear to you by the gods we " respectively worship, and by our ancestors for forty-two generations, that " neither we ourselves, nor our posterity, nor our relations, shall ever in- " fringe it."

" This meeras puttee is true:"
" Nishanee Nanger."

" Written by Mahadjee Gungather Hoonup, koolkurnee of the aforesaid " village.

" The granters of this deed, Kundajee bin Bhurjee Potail.

" Rajgoor of the aforesaid village Oodajee bin Sambajee.

" Potail Rajgoor, ditto, ditto.

" Mallajee bin Sawjee, ditto ditto.

" Bhierjee bin Manoojee, Potail, ditto ditto.

" Hurbajee bin Girzojee, ditto, ditto ditto.

" Ghoonja bin Dhulubjee, Chowgulla, ditto ditto.

" Witnesses:
Soryajee bin Sultanjee Tunporey, ditto ditto.
Jannojee bin Soerwajee Curroo, ditto ditto.
Bawajee bin Ballajee Sinday, ditto ditto.
Cundajee bin Tamajee, ditto ditto.
Naraengeer bin Jadowgur Issavy Mookassa, ditto ditto.
Gunneshgeer bin Oodnagur, ditto ditto.
Mubulgeer bin Jadowger, ditto ditto.

" Bullooties:
" Soobanjee bin Ballojee Raoot Rent, of the said village.
" Malajee bin Sedojee Chaminar Khathur, ditto ditto.
" Essor bin Kristnajee Nahave, ditto ditto.
" Jamna bin Goendjee, ditto ditto.
" Bawanjee bin Kusowjee Koemaur, ditto ditto.
" Koendojee bin Mockajee Kaley Hemar, ditto ditto.
" Suntnae Vuld Abnac Mhar Chowan, ditto ditto.
" Lingnac Vuld Mulharnac, ditto ditto.
" Ramnac Vuld Jewnae, ditto ditto.
" Esnac, &c., ditto ditto."

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39. That Bajee Rao respected the proprietary right of Wuttundars in the land, is exemplified in the following translation. The copy of the original paper is herewith submitted.

" To Shreemunt Maharaj Rajeshree Punt Prahhan.

" Your obedient servants the whole (sumusth) of the Wuttundar Mahars of " the village of Phodgaum make the following representation to your " Highness (Swamee), that one beegah and a-half two pauds and a-quarter, and " two wiswas and a-half of our Markee Shet, which is to the south of the village, " having been covered by the new channel you have dug for the course of the " Paunudee hulla, we hereby acknowledge the receipt of sixteen rupees, the " price set upon the land thus lost, valued at the rate paid for other land of " the village which you purchased for your gardens, &c., *viz.* ten rupees per " beegah; and we now expect, that as we pay an annual sarra to Government " at the rate of two rupees per rooka, for the twelve rookas our field altogether " consists of, the sarra of the land now sold for the course of the stream may " be deducted from our dues. We have now no waris (claim or hereditary " title) whatever to the land aforesaid, having sold it with our perfect free-will " and pleasure; dated 13th Margeshwurrud Sickey 1737 (A.D. 1815)."

40. By the following translation it will be apparent, proprietary rights of Meerassadars, from the time when he began to reign in peace and quietness, he could hardly have had time to establish such a right, so that from this document we must conclude it did exist and was acknowledged by former monarchs before his accession to power. We may even, without being bold, venture to infer, that the right must have been a very strong one to be respected by Bajee Rao. His share of philanthropy and justice is abundantly apparent in the farming system which he introduced. It will be observed, that Bajee Rao purchased this land as a private individual, and not as a prince; he condescends to become a meeras bhow in his own person: but this makes no difference in point of what is under discussion. If he had had the right as a prince to take and keep possession of the land, he could have done so in that capacity, and would not surely have gone out of his way, to secure by a written deed of conveyance a property which he could have considered entirely his own, or at his own disposal as prince, and which, by the unauthorized act of his manager, he actually had at the time acquired. I submit a copy of this paper in the native language, and if the transaction requires further eludication, I dare say Captain Pottinger will be able to ask some of the parties to it, its whole history. Should you wish for the original of this paper and of No. 3, I can send them to you, both of them having come into my hands.

" Deed of purchase executed in Sickey 1727 (A.D. 1805), Krodnam " Sumvusthsir, and on Powish Shud the 13th.

" On this day is purchased by Bajee Rao, Sahib Daismook, and sold by " Power Potail, through Byajee Ram his Gomastah, and by Khund Potail and " Abajee Roockur, and by Mahadjee Ould Sutwajee Gowaree of the kusba of " Copergaum pergunnah, Coembharee, circar Dowlatabad Soobha, Kajesty " Ben yaud Sid 1215 fusly, land according to the undermentioned writing, *viz.*

" We execute this deed of purchase in that in the island belonging to the " above-stated kusba, and adjoining to the Sircar's wara (house or palace), and " near to where there is a garden of the Sirkar Ballojee Hurry, who was left in " charge of the warra, took in a new piece of land, and dug a new well in it; " and that your Highness (Swamee) having now come here, and you having " looked at the land, directed the Moccuddum 'that as a well had already " 'been dug in it, the owners had better give it up to you for its value, as a " 'purchase, he must negociate the business with the owners and fix a price, " 'or otherwise you would order it to be restored;' that on this, the land being " ours, the Mocuddum asked us to sell it, and we accordingly, of our own " perfect free-will and pleasure (koosh rarawendee), agreed to sell it; where- " upon, when it was measured, it was found to contain twenty-three beegahs, " as follows

Belonging

" Belonging to Powar Potail	0½	beegah.
" Do. Khundoo Nulloroy	1	
" Do. Khurch Potail rooeekurt	12½	
" Do. Madoo Gowary	9	
Total	23	beegahs.

" And the bounds of the land are as follows (here is entered a description " of the neighbours' fields and Circar's garden bordering the land); and we " having agreed to accept Rupees 250 as the value of the aforesaid land, we " hereby sell it accordingly for the sum of Rupees 250, which we have re- " ceived in cash, and now make over the land to be enjoyed by you, we now " having no further lowja (claim) upon it, and having given it with our free " consent; we also bind ourselves to answer all demands of claimants to " the land, to enable you to enjoy it without molestation. This writing," &c.

41. I now offer for your consideration an acknowledgment by Bajee Rao of the title of the Mocuddum and the Sumusth Dehijin to sell the ghutcool land of a village; a copy of the original of this paper, which is in my possession, is transmitted also herewith.

" To Shreemunt Bajee Shree Bajee Rao Baba Sahil Daismook, Mamley " Dunda Rajpooree,

" Your obedient servants the Mocuddum and villagers (Sumusth Dehijin) " of the village of Ashee Boozoorg, turruf Havaily, pergunnah Sungumnaree, " Sin 1222 (A.D. 1812), have the honour to address you as follows:

" That your Highness ordered (adyna kele) that you might become a pur- " chaser of ghutcool land of the said village, and be constituted its Wuttunee " Meerassadar; that thereupon as the land formerly possessed in meeras by " Ragoojee bin Thannajee, Taznee, Mulee, and which has a well in it, had " from the ruin and extinction (puragunda jahala oteache koemee nahee) " of his family became ghutcool land, and is now cultivated by the village, " paying rent, &c. as ghutcool; it has been measured out on your account, " and it is in extent, when measured with a kathee of four haths and four " moothees, forty-five beegahs. Its bounds are,

" On the east, the Circar's coorum, called cund kalle.

" On the west, the dyke of the field of Bugajee bin Cassee Mallee, Chow- " dry.

" On the south, the river Pruvura, the Peira.

" On the north, the little hill on which Wangoba's temple is.

" The above described land, in extent forty-five beegahs, and partly uaul, " dooum, and secum in quality, and having a well in it, is hereby given over " to your Highness (Swamee), with all the trees upon it in meeras, with our " entire free-will and consent, you having paid us for selling it (ferokht) to " you, Rupees 1,000, and your Highness and your Highness's heirs are hereby " constituted its holders (ooplogh) for ever. We hereby renounce all claim to " the land and well, and take upon ourselves to stand betwen you and " Raggoo Mallee or his heirs, should himself or them ever appear to lay " claim to them, and to protect your Highness from molestation. Your " Highness will be bound to discharge all claims upon the land, the Circar's " sarra, the hucks of Huckdars, the mooshaira (pay) of the Koolkurnee, &c.

" This deed of purchase is this day, the 5th of Phalgoon, confirmed " and done in Sickey 1734 (A.D. 1812); Ungura the name of the Sumvatsir " Soor Sullas Asker Meyatin Valif.

" (The signature of the Potail.)

" (No name is mentioned but merely the plough.) The Soncar and " other four Ballooties, whose names are mentioned. Written by Ragoo " Krishna Joshee, Koolkurnee of the said pergunnah.

rences.

42. I am inclined to think that when such papers as these exist, and when the conveyance which some of them describe can be inquired into, probably of the very persons who made them, our Government cannot abolish or blindly

 pass

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pass over the private right of inheritance in the soil of Thulkurries or Meerassadars, nor hastily circumscribe or destroy the power which the village, as a corporation, appears to enjoy of selling that unoccupied land found in most villages in the Deccan, and called ghutcool. It might be urged on the first view, that this power of selling ghutcool land, which appears by the foregoing example to rest with the village alone, to the exclusion even of the Government, is an usurpation on the part of the village, inasmuch as land for which a village does not pay the return due for its occupation to Government, or which is not in its possession to be done with as it chooses. But as we know that by the tunkha assessment a definite sum of money was demandable from a village, and that this was probably also the nature of the kumal rental, it is possible the Government (if it ever exercised, which I doubt) received its rights of resuming the states of extinct Thulkurries or Juthas, especially if the rest paid among them this tunkha or kumal; in the same way, in fact, the land of any individual member of a jutha who had failed was at the command of the Juthas, and not of the village or of Government; and it stands to reason, that if Government required this sum to be paid by the village, without reference to small failures from the ruin of individual proprietors, or even of one or two whole juthas, the other proprietors, and the Mocuddums at their head, had a right to make the most of that land, for the want of whose produce they were then more heavily assessed. This land, therefore (whatever really are the Government rights in it), appears to have been a fund on which all who suffered by it had, by natural right, a claim to draw. I shall remark further in the sequel, however, regarding ghutcool land. Documents of so strong and convincing a nature as those I have now submitted, in respect of the property in the soil at this present time of a certain class of Indian Ryots, have, I believe, seldom before been brought to public notice.* These documents are drawn out with legal precision and circumspection, and are worth a volume of opinions or speculations founded on less conclusive evidence.

43. Though these documents prove that there is a perfect private property in the soil enjoyed by Meerassadars or Thulkurries, yet that the circumstances, whatever they may be, which at all affect the mass of the population may "be "clearly precise and unambiguous definitions, whatever rights, and what the "violations of them," I shall make no apology for submitting a few more translations of deeds of conveyance, with remarks upon them, before entering on the subject of assessment

Certain Facts and Rules apparent in the examples submitted.

44. The following translation shows these three facts: that the Daismooks and Daispandees authenticated, when the purchaser wished it, the acquisition of meeras; 2d. That although the purchasers had been cultivators of the lands of the village for a long period, that circumstance alone did not entitle them to acquire a meeras, or inheritable property in the land they occupied, for they were obliged to pay for their estate; and 3d. That Meerassadars have certain exclusive rights and dignities. I enclose a copy of the original paper (now returned to the parties), and also a copy of another deed in favour of Bhowjee bin Hubajee Bhoir, who was constituted a Meerassadar of the village of Maun on the same occasion, and under the same necessity of the village to sell lands as is described in No. 6, but which I have thought of importance sufficient to submit, as the time which the new Meerassadar and his ancestors are said to have been previously in the village as Sookawasthee cultivators is defined to be no less a period than "from sixty to seventy years;" a period long enough, I should think, to have given him a title to meeras land in the village, if length of occupancy alone could have constituted, by the custom of the country, such a title.

Example of a confirmation by the Daismook and Daispandee of a meeras puttee.

"A writing (aj nuvusth) by the Daismook and Daispandee of the pranth "of Poona to Papoojee bin Gbendajee Dawry and Mulharjee bin Essajee "Bhoir and Bhowanjee and Mancoojee, and Madjee Essajee Bhoir, of the "village

* I am sorry I have not seen the Appendix to Mr. Ellis's Replies about the Meerassadars of Madras from the text.

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"village of Maun, turruf Havaily, of the pranth aforesaid (soorsun myaton "oatif), Sin 1209 (A.D. 1799), is given to you as follows, that

"You having come to Poona and stated that you had been for a long period "Sookawathee inhabitants (free or contented resident tenants at will) of the "aforesaid village, but that you had no wuttun to aid it, and the village had "got deeply into debt from the famine, and for Circar's rents in the famine, and "from other causes, and that you had represented to the village your wil- "lingness, possessing no wuttun to aid it in its pecuniary embarrassments, if it "would confer on you fields and houses in meeras and paulnook in the same "way as other Meerassadars enjoy theirs, and that thereupon the village having "taken your request into consideration, had given you, on the payment of the "sum of Rupees 150, six rookas of the ghutcool field called kullum durra, in "all eight rookas, from which was deducted as a remission half a rooka, leaving "7½ rookas, and for which you obtained a meeras puttee, in which was also "specified the lands for houses in the village, and also three items of paulnook, "and which meeras puttee is written by the Koolkurnee, and that you having "entered on the possession and enjoyment of the aforesaid rights, now wish "them confirmed by us; whereupon we, having examined the meeras puttee "aforesaid, and finding it as follows: [here a copy of the meeras deed is en- "tered] and having also inquired of the villagers respecting it, and they having "confirmed your statement (respecting it), and they also having made a request "to us to confirm their act, we hereby authorize you to enjoy, you and your "sons, and your sons' sons, for ever, the rights affirmed to you by the separate "meeras puttee aforesaid, paying all taxes and other dues incumbent on you "as holders of the land given to you in meeras."

The three items of paulnook (or immunity) above adverted to are extracted as follows, from the copy of the meeras puttee entered above:

"1. The freedom from house and buffalo tax (ghur myhees).
"2. Do. from luggun tukka paurdam.
"3. Do. from potailache shela and luggunachee waltee."

The essential parts of the following Examples will alone be given in English.

45. It is unnecessary, and indeed I have not time to introduce in English at full length all the *formalities* of every paper I have further to remark upon; I shall therefore merely extract what is new in each of the few more I shall trouble you with, and refer to the copies of the original in Mahratta for the details.

An Example of Transfer, with Comments.

46. In a meeras puttee in favour of Luxaman and Koendojee kursery of Kandwa Boozoerg, we find that the reason of the sale of ghutcool land is, that in consequence of the disturbances occasioned by Holkar, the village was necessitated to borrow money to pay the demands of Government, and that having no means of repaying it, the Sumvust Dehijin sell land in meeras, *viz.* 1 sujgunnee, or 6 rookas, for the sum of Rupees 200. The purchaser binds himself to pay the sarra* (exactions) upon the shot (field), and "kundaree," and "jewa," and "vet begar," and "huckdars," and all other dues (pullibhur parree†) "in the same way as all other Meerassadars (chougah bowachee "chaley premany). The benefits he acquires are, that he is excused from "giving to the Mocuddum a shela (a cloth which is a perquisite of the Mocuddum demandable from tenants at will), and shel pathee, and suggunachee,‡ cobree achee water. He is also declared to have the dignity, like the other Meerassadars, of his wife being invited to holiday and marriage feasts in the families of Meerassadars (Sirwashen).

Another

* Sar means in Sanscrit the essence or the extract of any thing, or the product of a thing acquired "by squeezing:" It is therefore not perhaps misapplied to the revenue dues of Government.

† Pulli means a [illegible] it is a spoon not unlike an English salt-spoon; it is used by Tantra Brahmins in their Sund[illegible] devotions. Bhur signifies "full." The meaning of the expression is, that the new M[illegible]ar is to pay all other dues "even to a spoonful of water."

‡ Suggun signifies marriage; wuttee is a cup, and signifies here "a half," because applied to cobree, a cocoa-nut. The expression means the half of a cocoa-nut on marriage.

Another Example of Transfer.

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47. In a meeras puttee given to Dewjee and Bhowjee Savunt for 6 rookas of land, sold to them for Rupees 161, the amount they are required to pay to Government is expressly defined to be for the Dewan (muckhty), Rupees 12, and their contribution to the village expenses (gram khurch) is declared to be for every 3 rookas, 3 pahaleys of grain. The Koolkurnee's mooshaira or pay is also specified to be 2½ pahaleys of grain for every 3 rookas. The reason assigned for these dues being *fixed so moderately* is, that the land is inferior; and that it is obligatory upon you to provide one bullock to carry the baggage of the Deo (the god of Chenchose) once a year in his jatha to Moreshwur.

Another Example.

48. Mussagee bin Chunajee Bhowdey obtains meeras land in Kandwa Boozoerg to enable the village to pay off a debt of four hundred rupees, which it had incurred to pay part of a fine of seven hundred rupees, imposed upon it in consequence of the traces of the robbers who stole Bhugwunt Sing Vye's horse having been forcibly (unjustly) determined to have been brought into the village bounds. The land made over to the purchaser is thus described: and being unable to pay the aforesaid seven hundred rupees, we borrowed four hundred rupees from Eshwunt Rao Puranchey, and assigned over to him in payment of the interest, six rookas of the ghutcool field called Goralal, &c. (decribing the field); but as we are now unable to discharge the sarra* of that field, we now, on your having paid us the sum of four hundred rupees to enable us to pay off the aforesaid debt, make it over to you in meeras, &c. It appears that the purchaser of this meeras land obtained a confirmation of it from the Surinjamadar of the village of Kandway (Mumneshurgur Gosavee), and that he paid to him thirty rupees as the perquisite he was entitled to for the confirmation act on the part of the ruling power, and which power in such matters appears to be vested in the person who receives the Government dues from the village for his own expenditure as a Surinjaum.

Another Example. Ghutcool Land.

49. The next paper to which I beg to call your attention is remarkably explicit in exhibiting the power of the village to clear off public burdens by the sale of ghutcool land of the village. This land appears never to have been sold by the Mocuddums for any private advantage of their own; indeed it is not reasonable to suppose that any such, nor that if it did not even run the risk of disclosure, purchasers would have staked † their money on an invalid acquisition; and this latter circumstance goes far to establish the rights of the village to sell, and at least proves sufficiently the sense‡ of security which purchasers entertained respecting land acquired from the village under conveyances, authenticated in the way I have shewn. In the village of Sangavee, Mullarjee and Suntajee Coonjur obtained meeras land, because that formerly, when this village was wholly in Scindia's hands, there were several fields out of cultivation and lying fallow; but that notwithstanding this, Gopaul Shunker, Scindia's Camavisdar, took the full dues of Government,§ and we were necessitated to borrow money from a Soucar to pay the Dewan dues (Dewanee Denee), whereupon being much dunned by the " Soucar, we borrowed from another Soucar, and " paid him off, &c.; and then all consulted together, and having determined " to constitute a few (donchur) Meerassadars, and with what they paid to clear " off our debts, we, &c. The obligations specified to be discharged by the " new Meerassadars are that he shall pay the Dewanee Sarra (Gauntey Wabatey " premaney) sarra dora,‖ jeva, awa, vet, begar, keredee, terokht, toop (ghee),¶ " kurba,

* The dues of Government.

† " When the object of a contract, however fair between the parties, is to impose on third persons to deceive or defraud them, the parties to a contract thus infected with fraud can have no " remedy the one against the other, at law or in equity."—*Colebrook on Contracts.*

‡ " An agreement between parties, having for its objects the cheating of Government, is corrupt " and invalid."—*Colebrook on Contracts.*

§ Almost every meeras puttee shews a colour of the kumal settlement having been a fixed mozeewur settlement; and this paper exhibits the sense of the people in regard to the principles stated in the thirty-fourth, thirty-fifth, and forty-second paragraphs.

‖ Sarra dora signifies " undeviating exactions." Dora means " a line; continuity."

¶ Ghee is taken from some village as part of the Government dues, at a valuation, or in kind.

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"kurba, phaur phurmaish,* agham,† nagan;‡ and the Koolkurnees Moos-"chaira, according to the village usage (gaumchaly premaney)."

Remarks on a particular Clause in the foregoing Deed of Transfer.

50. There is also a particular clause inserted in this deed, which shews that it was the custom of that corporation, or else an exception to it, that any of the pecuniary burdens of the village as a body corporate, incurred antecedent to the admission of the new member, were not chargeable to him. This is the custom of the country generally, and where there was no special provision in the deed of conveyance respecting it, should there be any dispute on the subject, a punchayet would decide that the new member could not be held liable for debts previously contracted by the village Bhows. On discussing this question in an assembly composed of Mocuddums and Meerassadars, they declared such a subject of dispute never would have entered into their contemplation, and that they never heard of a dispute on any such subject, the principle being quite a received one, that no new member is liable to the old incumbrances of the villages, his admission-fee being considered a full acquittal on his part from further contribution on account of old debts. The introduction of the clause in the following extract, however, shows that it might enter into contemplation, or that the general rule may sometimes, in special instances, be departed from. The passage is as follows: "We shall not demand from you or "hold you to be sharer of any debt owed by the village on account of agham "and nagan previous to this time. Should we however be after forced to pay "any agham and nagan, you must pay your share like the rest (chowley "premaney); and when there is a puttee at the para,§ the place in this village "for transacting business, you must then, like all the rest, go to the para "and submit to be taxed (pathee cureet jave). Whosoever has need to make "one in the village, shall pay you the compliment (maun) of inviting your "wife to his feast (ghaun sewashun); you are excused in the main branch of "your descendants from giving cobree-che-watee to the Potail; but the col-"lateral and younger branches of your family shall give you the water."

Khund Muckhty Meeras Land and Meerassadars.

51. I have exhibited one specimen in No. 9, of what is termed a khund muckhty meeras tenure; but as it is of importance to bring more particularly to your notice this kind of transfer, I submit a more detailed translation of a khund muckhty deed. The tenure is a very rare one, and seems to be granted only under peculiar circumstances. You will perceive the distinction, a Meerassadar and a khund muckhty Meerassadar, clearly drawn in this enclosure. The person who acquires the latter title, does so in respect of a portion of his meeras estate. It thus appears to be an obvious fact, that there are Meerassadars who hold their lands for a quit rent, or to use a more general, and therefore ambiguous term, who pay a fixed sum for their lands; and that there are others (who form indeed the great body of Meerassadars) who cannot on the basis of their meeras titles claim to be assessed at a fixed sum. On the other hand, we here see a favour granted to an individual by a corporation, and there arises out of it this question, at whose expense is this favour shewn. From the sparing way in which the village makes over a portion only of no very great estate, it is inferable that members of the corporation expected to have to pay among them the difference between the fixed sum and the former dues demandable for the Dewan or Circar; and if this inference is just, it would seem to throw a light on the nature of the kumal rental, and of the settlement of

* Phaur phurmaish is all sorts of produce that may be payable to Government in kind, or at an under-valuation, as part of the Government-dues.

† Agham is an unusual assessment over and above that which Meerassadars *should* pay, with reference to the actual extent of their estates; it comprizes, therefore, the payment on account of any member, or jutta, which has failed. Under this head is realized gram khurch, or the contribution for the expenses of the President and corporation; and also *tota*, or the excess above what has been usual or is admitted to be just, realized by force by the Government-agent; and *rud khurz*, or what is necessary to pay a debt contracted by the village.

‡ Nagan is a contribution raised from Thulkurries to pay any heavy fine imposed by Government on the village on account of a robbery traced into its bounds, or any sum exacted violently by Meerassadars, or any invading enemy, and for which the Government may yield no remission.

§ Para signifies a mound, bank, or wall built round a tree. Villages which have no chowry (or room) for transacting affairs in, have a tree with a bank round it, which serves for their town-hall.

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of the jummabundy by our predecessors; thus if the corporation was required to pay a certain sum by Government, let it be great or small, just or unjust, the khund Muckhtedar, in respect of khund muckhty meeras land, was responsible only for a certain fixed sum as his share of contribution; but if he had not held his land on that tenure, he would have been obliged to pay for it in the same proportion as the other Meerassadars of the village paid for theirs. Now if Government had not settled with the corporation, but with each individual landholder, it would have been reduced, like myself, to the choice of one of the following measure: 1st, either to admit the right of transfer, and tax all the Meerassadars for the deficiency occasioned by their bounty;* or 2dly, not to tax them for the difference, and only to take the fixed sum from the owner of the land; or 3dly, to annul the contract altogether, and make the owner pay as much as other Meerassadars. I should wish to know your sentiments on what I ought to do in such a case, in a Ryotwar jummabundy settlement.

A Khund Muckhty Meeras Puttee.

" In Shree Sickey 1634 (A. D. 1712), Nund, the name of the Sumvutsir, " and on Thursday the 12th of Jestwud, we, the Mocuddum and the " Sumsth Dehijin of the village of Paurgaum, *viz.*

" Mulharjee Bhojajee, Potail Mehemany;
" Suntajee bin Gommagee, ditto;
" Jankojee bin Engrojee, ditto;
" Mudrajee bin Kannojee, ditto;
" Kallojee bin Backajee, ditto;
" Trimbuckjee bin Dollajee, ditto;
" Callojee bin Bahajee, ditto;
" Sewjee bin Mallajee, ditto;
" Jangee bin C. Chowla, ditto;
" Kristnajee bin Bajee Mehtry, ditto;
" Tockajee bin Suajee Chundy, ditto; and
" Sewjee bin Canojee Sawunt, ditto;

" Thulkurries in Soer Sin Sillas Asher Meya Oalif, execute to you, Sucoo " Bapoojee Chuldher Jossee, Koolkurnee of the said village, a writing as " follows: That in consequence of disturbances, all our Meerassadars and " bhowbundies (brethren) having deserted the village and gone to other " countries, and many of them having become altogether extinct, the vil- " lage had become of no account, without Bhowbunds, without Thulkurries, " and with only a few persons in it, and as a great portion of land thus " fell waste, and we got into debt, you then, attending to our earnest " request, gave us 300 rupees, for which we then granted you twenty- " seven ghutcool thul, called Khussudkhur, in meeras, in consideration that " you had the goodness to remain among us, and to cultivate the fields for " several years; therefore, and as you have since then in other ways greatly " assisted the village, by advancing to us whatever money we required, and " favoured us by remaining with us, we now acknowledge with great gratitude " your kindness; and as we have been unable to make you any return, we the " whole of the villagers (sum akool pandree) and our Bhowbunds, unanimously " hereby grant you out of the aforesaid thul seven rupees and a half (here " described the boundaries) at the khandnee, or fixed valuations; (khaunden, " the word used, means, Sanscrit, 'to break off a piece,' to divide,) five padshaee " pagodas, and we render it totally exempt from payments, vêt, jeva, awa " grain, and ghee; and that not one of us may fail to abide by this agreement, " we swear to keep it by our forty-two ancestors and by our respective gods. " Do you therefore, and your sons, and their sons sons, possess the aforesaid " land on paying padshaee pagodas. Should any of our descendants infringe " or dispute this engagement, may they suffer the punishment decreed for " killing a cow in Wurnassee Keheter (Benares), and of incestuous inter- " course with their own mothers.

" We have granted this deed with our perfect free-will."

Land

* I am aware that it may be answered, this act of bounty was an usurpation of right; but it might as well be said that the right of selling ghutcool, or village uninherited land, rests on the same foundation. That the latter right is availed on, is to my mind clearly established, from the strong facts of its admission by former monarchs, and from the confidence of purchasers in the validity of the acquisition.

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Land Tenures.

52. Before entering on the subject of assessment it may be proper to define all the tenures of land which have come within my observation, and to advert to some other points. There are eight principal tenures, to which all the rest are subordinate: 1st. sasthee; 2d. chowlee; 3d. akhty; 4th. doomalla; 5th. enamtee; 6th. shereed; 7th. paul; 8th. ghan.

The Sasthee Land Tenure.

53. 1st. Sasthee includes such land as pays what is supposed to be the highest sum exigible by Government for its occupation. It has two varieties, *viz.*

Meerassee.

1st. Meerassee, or land the property of which is with the holder. This land is saleable and assignable in mortgage, at the pleasure of its owner.

Ghutcool Meerassee.

2. Ghutcool meerassee, or land the original proprietors of which are extinct, and which is let out by Mocuddums to Sookauristees or Woowunkaries, and for which (whatever the Mocuddum actually receives) Government only obtains what would be considered the greatest sum exigible by Government from its owners if extant, or from a new Meerassadar should one be constituted. This land belongs to the village community, and is saleable and assignable in mortgage by it, to defray public debts and certain expenses incurred by the community. It was rented by the Mocuddum in former times, but the patronage and direction of his power in this respect have been controlled and superintended by my Mamlutdars since 1818-19 A. D.

54. 2d. Chowlee or ghutcool meerassee land, let for a series of years at an increasing specified assessment, to whoever choses to take it. If on the last year of the cowl or lease the sum considered to be the greatest exigible by the Government from the land is fixed, the cowlee then takes its place under sasthee, for that, and for as many years subsequently as the tenants choose to occupy it. It belongs to the village community, and is saleable and assignable by it. The cowlee lease was granted by the Mocuddum formerly, but since 1818-19 his powers in this respect have been directed and controlled by my Mamlutdar.

Akhty Tenure.

55. 3d. Akhty includes all land held for the payment of a fixed sum, which is less than the land is capable of paying. It is of two descriptions: 1st. akhty, or muckhty ghutcool meerassee, land let for a fixed sum for one year or other short and specified period, which sum is less than the greatest supposed exigible sum by Government. It is let to any one who chooses to take it. It belongs to, and is saleable by the village community.

2d. Khund muckhty meerassee, or land given up in perpetuity, on condition of a fixed payment less than the supposed greatest exigible sum by Government, and others having claims upon it. It is saleable and assignable in mortgage by the holder who is its owner, and holds it in perfect property.

Doomalla Land Tenures.

56. 4th. Doomalla; this tenure includes lands held from Government for service, or through favour, and which are resumable when service is performed or when favour is withdrawn.

1st. Shet sunnudee land, the produce of which is enjoyed hereditary by its holders. It is granted from such land in villages as is ghutcool, or without proprietors at the time of the grant, and for military service to the state. It can neither be sold nor mortgaged, and its produce for form sake annually valued by Government, and the amount made an offset as pay to the holders. These men act, or may be called on to act, as garrison troops or on other such duties. Those of them who are extant are very lazy and unwilling to do any duty, and the late Government seems to have permitted them through sufferance to enjoy their lands without much trouble or question. They are not numerous in my district.

2d. Bhukshish, land, especially garden-land, held rent and tax-free during the pleasure of Government. Formerly it was in general not resumed till after the

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the death of the person to whom it was assigned. It is not saleable or assignable by the holder in mortgage; lands thus bestowed by Government were taken by it without much ceremony, as well from ghutcool village land in cultivation as from meeras land. The favour of the grant was often only valuable on account of the local situation of the land. Probably the right of Government to make gifts of this description may be considered the same as that to make grants of ghutcool fallow land in enam for public services, which latter right is discussed in the sequel. The circumstance that the grant by this tenure is temporary, may have contributed to the occasional disregard of individuals to serve the great political purpose of gratifying a man of consequence. In most instances where meeras land has been thus temporarily assigned, the person for whose use the land was taken has bought up the meeras right in it; but there are instances to the contrary, either from the unwillingness of the Meerassadars to sell, or of the persons served by Government to purchase the land. Thus the Meerassadar who has many years ago been deprived of his field in kotroor for a garden for the Nuggurcur, having imbibed a strong notion about our justice, allows me, and perhaps yourself, no peace to have his field restored to him; which confirms the truth of the argument, "that the occasional unjust acts of an arbitrary government neither "altogether extinguish the feeling of right, nor can be said to subvert those "rights of its subjects that are generally recognized;" for it would appear that this individual received no other land, or any money, as an indemnification for the state necessity by which he was ejected from his estate.

3d. Surinjam, land held in lieu of pay for any kind of ostensible service. This tenure is very rare in my district. It originates in the will of Government, and was assigned from land which Government possessed itself of in the same way as I have stated in regard to bhukshish, but more generally from uncultivated ghutcool land. It pays no rent or tax. Small gardens are here and there assigned to respectable men under this title, and it might perhaps have been incorporated with bhukshish, as no service was, or is either proposed to, or required from the holders. It is held at the pleasure of Government, and is not saleable or assignable.

4th. Gaum nisbut doomalla, land held by Ramoossees in payment of police services. It pays no rent or tax; is not saleable or assignable in mortgage by the holder; is granted by the Mocuddum, by order of Government or without, and is resumable by the donor whenever the services of the Ramoossees can be dispensed with (which never happens), or when it is proper to dismiss one Ramoossee and take a substitute (which sometimes is the case).

Land held in enam.

57. 5th, Enamutte, is land in perpetuity, through favour, in charity, and for the performance of the duties and support of the official character of a Wuttundar, or hereditary office-holder.

Sunnud enamuttee has four varieties; all of such are liable to pay the hucks of Huckdars, and all of which originate from the ruling power.

1st. That which is held by a sunnud from the ruling power, of whatever period, free of all government exactions in perpetuity. It seems to be granted invariably (as far as I have examined sunnuds), certainly from ghutcool, or land having no owner, and that which is at the time pur, or lying fallow, without any Oopree occupant. The right assumed by Government to grant such land is not disputed by the village corporation. The land being in an uncultivated state, the transfer of it does not affect its interests at the time; and probably before these could be affected it would be admitted by Government into the list of deductions from the whole land that is assessable, to make up a mozeewar jummabundy or kumal. The village however, it may be said, loses what the land could have been sold for; but when it had not taken advantage of its previous power to sell the land, and was at the same time unable to make any use of it, even by having it cultivated, the right which I shall suppose Government to have conceded for it, may be to have admitted as implied by virtue of tunkha and kumal settlements, may have in practice always been so far considered resumable by Government on occasions such as those which lead to the grant of enam, *viz.* to reward meritorious persons for public

public services, or who might be deemed exemplary for learning, or for moral and religious perfection.

That Government considered the village to have a prior right, at least to itself, in ghutcool lands of the kind in question, is evident from the fact, that if a village had sold, or was about to sell, the only remaining portion it had of ghutcool land when the Government order and sunnud arrived, on a representation of the same to Government, the person in whose favour the order was issued would have obtained under the old Government, in good times, a new sunnud for ghutcool land in another village. I have heard of two instances of this bending to the rights of the village, and am endeavouring to find written documents to prove them.

Further, the facts affecting ghutcool may be remarked to be, 1st. That Government never sells it. 2d. That purchasers risk their money on the validity of the right of the village to sell it. 3d. That Government admitted the right of the village to sell it. 4th. That this right of the village has been preserved unimpaired from time immemorial. 5th. That it is entitled gaumchee zeemaun (head of the village).

2d. Enam nemaee.

3d. Enam tejaee.

4th. Enam chowtaee.

These are terms expressive of the various quit-rents of a half, a third, and a fourth part of what might be considered the full dues of Government on the land granted in enam by the ruling power. They are in all respects, excepting the payments mentioned, the same as enamuttee land, above described as paying no dues to Government.

2d. Gaum nisbut enamuttee is of seven varieties, two only of which pay hucks of Huckdars, and all of which but one are wholly exempt from tax, rent, or fee to Government. This class of enams generally originates from the village corporation, but Government appears to have the power to order an assignment in enam under this head.

The Mocuddum's land.

1st. Enam passoree is land held by the Mocuddums. It is saleable and assignable in mortgage with or without the *wuttun* of Mocuddum. It only pays the hucks due to Ballooties on land similar to it in quality. It seems to have been enjoyed by Mocuddums from the time of their investiture. It is probably the piece of land first cleared of brushwood and stones, before or on the occupation of the village. It is most usually enjoyed by the Warrell, or elder branch of the Potail's family exclusively, that is, by the Mocuddum. There are exceptions, however, in many families to this general rule. The term of passoree implies perhaps that it is intended as a fund for supplying raiment. It has in some instances received additions to its original extent from usurpations of the village land, or by the favour of Government in latter times.

The Mahar's land.

2d. Hinkee is a piece of land appropriated to Mahars to place the carcasses and bones of dead animals on. The Mahars cultivate the vacant spots and round the edges of the field. He pays no rent, tax, fee, or huck, for this privilege.

Hudolee or marhee is land held by village Mahars for the payment of dues, one-third of what would be the whole dues of Government if not thus assigned. It is saleable and assignable in mortgage, and it is not liable to the hucks of Huckdars.

Land for the support of Pagodas, &c. &c.

3d. Dewastun enamuttee is land assigned in support of village gods, pagodas, Musjids. The Poojaries or officiating priests (generally, though not always, the Goorow of the village) have it in charge; the produce is sold by them, and the money appropriated to the ordinary daily expenses of the gods

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any way by the village community, nor by the persons in charge of it. It seems to have been assigned originally from the general stock of land by the village, which increases it also, but only for very obvious and important reasons. The holidays of gods are provided for in the gaum khurch.

Ballooties' lands.

4th. Enam waveyley. In the mawuls the Waveyleekara (artisans) or Ballooties have lands instead of hucks on the produce for their services. These lands are not saleable, but they may be mortgaged. The reason of their being bound to perform certain professional duties, which any purchaser could not do so well or would not do at all, such a power would enable them to evade the duties incidental to the enjoyment of the lands. Few Ballooties in the Desh have enam lands, but are paid in kind. The land is resumable by the donors.

Land in Charity.

5th. Dhurmadow is land given in charity or in substitution of money payments; on that account it is assignable in mortgage, and saleable by the holders. It pays no tax or fee.

Dewa Tekee.

6th. Dewa tekee is a spot of land (tekee means a lump, a piece, or spot) held in enam in a few villages by the Mocuddum or Mahar (either of whom is eligible to perform the ceremony), for his having acquired in a trial by ordeal the lands of a disputed boundary for his own village. It is saleable and assignable in mortgage.

Land called Sheyree.

58. 6th. Sheyree is land at the disposal of Government, and managed by the Government itself direct; that is, not through the Mocuddum, or any of the village agents, unless some of them should be especially appointed to the trust. Government can do what it pleases with this land. It pays no hucks to Huckdars, and is exclusively and absolutely the property of Government, without any burden or due to another. There are contradictory accounts given of the mode by which Government got this land, and they are perhaps each of them entitled to some credit. It is said that just before the attempt to fix a kumaul, the disputes about meeras land poured into Government from all quarters, and that the vast interest displayed by the parties in acquiring the smallest portions of land, induced a belief in the Government officers that the Mocuddums had concealed from assessment large tracts of land; that in consequence of this belief a measurement of the lands was resolved upon; but the old Potail, who gave me this account, states that Government did not understand its own measurement, and wherever it made one, the quantity of land turned out less than that previously registered and assessed in the accounts. It then occurred to Government, says the Potail, that the reason of the disputes about land must be in the great produce and under-assessment of the land, and not in its extent being greater than what it was registered to be. Impressed with this notion, the Government ordered certain portions of land of several villages to be given up to its absolute and exclusive management. These spots were sometimes selected from the private estates of Meerassadars, who were indemnified by receiving equal portions of ghutcool land, or they were taken in ghutcool land; but most frequently they were the portions of violent and implacable ligitants, who either got no land in substitution, or had their quarrel ended by having distinct portions of ghutcool land assessed to them. Now it seems not at all improbable, and the fact may be, that the Government took only such portions as were strongly disputed, and ordered other portions from ghutcool land to be given to both parties, as the only means of satisfying the litigants and saving itself trouble. Had the land from which the proprietors were thus ejected been given over to the Mocuddum's management, or to the village as ghutcool, the former dispute would, I am satisfied, from what I know of the people, not have ended there; Government therefore attached it entirely for its own use, and being probably about this time engaged in making a kumaul, it turned the lands thus acquired to account in discovering the actual produce.

Paul

Paul Land.

59. 7th. Paul or soot, is a small piece of land held rent and tax free, in consideration of peculiar circumstances in the situation of a large piece of meeras land of its holder; because, for instance, the land is bad, because the crops are more liable to be destroyed than in other lands. Thus in Duncoree, out of eight rookas of land sold, one rooka and a-half are given as paul or soot, because "the fields are much infested by antelopes that destroy the crops." It is neither saleable nor assignable in mortgage by itself. It goes along with the land, to which it is in the way above described continually attached.

Land held by Mortgage.

60. 8th. Ghaan is land by mortgage. There are no distinguishing names here, as in Guzerat, for the alienations of land under this head. The terms of the mortgage form the differences, and these are very various and curious in some instances. I may hereafter, when not so much occupied by official details, submit translations explanatory of these differences, but at present I must content myself with stating generally what the most usual transfers of this description are.

1st. One kind of mortgage is to assign an estate for a certain number of years in payment of principal and interest of the debt, the Circar's sara being paid by the mortgagers. The risk of good and bad seasons is taken by the mortgagee; and at the expiration of the term, the estate is restored and the debt cancelled.

2d. Another mode is the same as that above described, but where the mortgagee pays the Government sara, hucks, &c.

3d. A third mode is, that the estate shall be enjoyed by the mortgagee in lieu of interest only, the mortgager paying the Government dues, &c. &c. &c. and attaining the restoration of his estates whenever he can manage to pay the principal.

4th. Another mode is, when the mortgager is left to cultivate and manage the estate, giving a half, a third, or a fourth of the produce, as may be agreed, in liquidation of interest; the mortgager also paying the Government and other dues.

5th. Another mode is, where the estate is pledged to be given upon the failure of the payment in money of the accruing interest. The conditions of this kind of security have several ramifications.

6th. Another is, where the estate is made over for the interest to the mortgagee, and he pays the sara, &c. under a proviso, that if at the expiration of a certain number of years the principal is not paid, the mortgager will then sell his field to the mortgagee for the amount of the debt.

Reasons.

61. From what I have stated (I fear in tiresome detail) in the foregoing paragraphs, you may perhaps have gathered the opinions that naturally have arisen in my mind; but I must solicit your patience in saying something further on past and present usages, since these affect the future management of the revenues of my collectorship.

The Kumaul Assessment.

62. In my report of the 1st May 1820, I stated at some length the causes which I thought probably actuated the Mahrattas in making a kumaul about sixty years ago, and I also therein stated my belief that it was made on the land then actually occupied, and was intended to increase with a more thriving state of the country. In this belief, however, I have since been staggered, for whatever the principle may appear on paper, the actual practice of the Mahrattas would seem to establish that the kumaul then ascertained bore reference to the whole sum payable by the village then and thereafter, whether the cultivation increased or decreased. It is not to be disputed but that a Mahratta Collector always asked for the amount of the kumaul of the mozey, and that if he got that he asked for no more as an assessment demandable of right, although he spared no extra puttees that ever had been before laid on as contingent

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tingent realizations for a year or two, and sometimes also invented new ones. If he could not get the mozwar kumaul from the Mocuddums, he made a settlement in detail by sending a person of his own to do the Mocuddum's office in the village for that year. It is also very evident that when the kumaul was made, there was a certain dur or rate fixed for the assessment of sostee land, and that rate was applied to the returns of sostee land in cultivation for the year, and the accounts made up thereon either to the kumaul or below it; and that on the face of these accounts the realizations of Government for the year were according to the extent of cultivation so exhibited and so assessed. I have not therefore acquired any decided or distant notion of the nature of the assessment. Every new paper examined does not, like those on the rights of proprietorship in the land by Meerassadars, furnish new proofs of a certain fact, but on the contrary, what is found to be established by the examination of one document, is, perhaps, partially, or altogether overturned by looking into another. Whether the Mahrattas, as the old Potail remarked, understood what they were about, is questionable: that they set out however with the design of raising the dues payable from landholders, is very clear, and that they have fixed rates of assessment according to the qualities of the land, is also plain; for I find in many surveys of different villages the same rates, and which I have detailed in the one hundred and forty-second paragraph of my letter of 1st May 1820. I shall not, therefore, venture at present to offer any settled opinion on this intricate specimen of Mahratta talent, further than to assure you that I shall spare no pains to gain better lights on the subject than seem as yet to have been acquired. I should think a careful inspection of the old Mahratta Government dufturs would lead to some accurate information on the subject.

63. By the act of making a new assessment, the last Government has bequeathed to us a privilege of making one also. The every-day exercise of this privilege, however, we cannot consider as our right, nor perhaps a partial exercise of it. We have acquired only that general right of revising the assessment on the whole land of the country which is not disputed by the natives themselves.

64. I shall not pretend to say what effect the kumaul had upon the jutha system of responsibility, for that would require me to know what I am in so great doubt about, *viz.* whether the kumaul akar was set aside when the cultivation on which it was formed suffered a decrease, or whether it was a certain fixed sum demandable from a village, excepting, as in the case even of the tunka when the village had become so reduced as to render it impossible for it to contribute so much, and both impolite and cruel to exact it.

65. Whatever may have been the case in respect of the juthas, however, with reference to the kumaul settlement, I must request your observation of the following translation of a paper dated in 1783 A. D. about twenty-four years subsequent to the settlement of the kumaul in the district where the village to which this paper relates is situated. It affords a specimen of what the Government thought just, not only in respect of the occupation by some of the Bhows of jutha of an absent member's share of the land, but of the care with which the Sircar bound down those members of the jutha, who occupied it and paid the Government dues upon it, to preserve it inviolate for its owner, who had been absent for seventy-five or a hundred years. This paper also shows an attempt made by the Potail to encroach on these privileges subsequently acknowledged by the Sircar, and to take the patronage of the land from the Juthas Bhows into his own hands, the probable inferences are, 1st, That this patronage and the ejectment of Meerassadars was a good thing for Potails and Coolcurnees, and has been said by them whenever an opportunity offered; and 2d. That the kumaul settlement was not intended to supersede or do away Meerassadars' rights in any way.

" To Shree Munt Rajee Shree Nilcant Rao Chaskur.

" We, Nimbajee Vuld Macoonjee and Chowjee Vuld Ramajee Vu d, of the " village of Narodee, turruf Mahalongey, Sin 1193 (A.D. 1783) write a " bond as follows. That whereas our meeras property in the aforesaid village " which, including the share of Balajee Hooly, our neemeechee bhow (equal " sharing relation), consists of eight tureekas of land, having been all of it

" managed

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"managed by us during the absence from the village of the said Ballajee Hooly for many years past, we paying the Circar's dues at the usual village rate (ghaum chalee deera purmeaney); and whereas we having quarrelled about our debts payable and receivable by us, we carried our dispute before the Circar, which not taking our case into consideration, attached the share of the land belonging to our absent bhow, and thereupon having gone to the Punt Pradhan (the Peishwa) and stated our case before him, Babia Furkia and Seuram Punt Tattia were ordered to inquire into the matter. Now they having done so, and decided that we should continue to manage, so long as he should remain absent, the four tureekas of land which constitutes the share of our absent relation Ballajee Hooly, we paying the Government dues at the usual village rate, and binding ourselves not to sell or mortgage Ballajee's share, but to sell, whichever of us had need, our own share of the four tureekas we have between us in our own right; and we having acceded to this decision, do now hereby bind ourselves to manage the four tureekas of our absent relation, paying the Government dues on them at the usual village rate, and that whenever he returns we shall restore to him this his own share; and we further bind ourselves neither to sell nor to mortgage his share under pain of being punished by Government.

"This bond is true: witness Dewjee Potail," and other formalities.

66. The representation and order of Government on the above subject may with propriety also find a place here.

"Adnya puttee (order by) the Punt Pradhan to the Mocuddum, and to Veesajee Pinglia of the village of Narodee Taruf, &c. Whereas Neembajee and Chowjee Hooly of the aforesaid village having come to Poona, and represented that their relation (Bhow Neemeechee) and fellow-sharer Ballajee Hooly had absconded from the village during a famine, about seventy-five or a hundred years ago, that since then till now neither he nor any of his descendants have ever come back to the village, and it is not known to any one where they are; that the petitioners and their progenitors have managed and fixed the tota and meeras puttee on their absent Bhow's land; that they having now had a quarrel, they went to complain to Nilcaunt Rao Ramchunder, Potail and Government Agent (haken) of the talooka of Chaufs; that he, instead of adjusting their dispute, took Visajee Pinglia's advice, and attached 6 turekas out of 8, of which the whole wuttun consisted, and giving 2 turekas to Chowjee, made the other 6 over to other persons to be cultivated by them; that last year the petitioner cultivated the land, and paid one instalment out of three, amounting to Rupees 35; that the remaining two instalments were not paid, but that the whole produce was seized upon and carried to the Circar; that therefore they beg the villagers and Visajee Punt Pinglia may be summoned, and an inquiry made by Government. The Adnya puttee is therefore issued to require your attendance for the adjustment solicited.—1st Mohurum."

Probable Reason of the Mahratta ascertaining the extent of Cultivation.

67. Whatever effect the kumal settlement was calculated to have on the institutions of the people, the operation of it seems to have required a general notion of the extent of the cultivation and inspection of the Thul Ihara (distribution of lands) by the Agents of Government; but this only as a check, and as affording a fair reason for demanding a certain sum of the Mocuddum, to be distributed apparently as he and the Meerassadars should find most convenient. The Mahratta never interfered with the Mocuddum's internal revenue distribution, unless they could not bring him to accede to the terms required (which were perhaps the kumaul and twenty or thirty extra puttees) when they sent a person to distribute the assessment, and realize it by residing in the village.

Summary of the Rights required by, and the Duties incumbent on our Government in respect of meeras Land, with reference to the Kumaul Settlement, to past and established Usage.

68. We may perhaps consider ourselves therefore to have had bequeathed to us by our predecessors, 1st. a right to inspect thevillage accounts yearly, to see what amount the Mocuddums should with justice be required to pay;

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2d. a right to inquire into the rates of assessment at the end of every seventy or eighty years; 3d. a right to inspect and control generally the gram khurch. We have also apparently inherited these duties: that we should respect meeras property, and not give the lands of a Meerassadar to a person who may offer a higher sum for their occupation. That the Potail, Mocuddum, and Sumust Dehijun should be considered to have a right to sell ghutcool land, to pay off public burdens or village debts.* That Government is not entitled to let, or to order Potail Mocuddums to let fallow meeras lands, excepting in cases of inability, or refusal by the particular Meerassadar, and refusal by his Bhows to pay the dues of Government on the lands; the property of the lands even in these cases not passing from the original owner or jutha, but remaining resumable by him, or it, whenever he or it chooses to satisfy the rights and interests of Government in the land as its allodial proprietor.

Operation of a Settlement, the basis of which is an Agreement made by Government with whoever actually labours the Land, whether a Meerassadar, or only a Tenant of a Meerassadar.

69. It will be obvious, however, that a settlement with each Meerassadar by Government for such part only of his land as he actually cultivates, is calculated to relieve from responsibility, first, the members of juthas, and secondly, the whole of the juthas as a body corporate, and at the same time to bring the under tenants of Meerassadars forward, as having, in respect to the meeras lands rented by them, the same consideration in the eye of Government as the Meerassadars themselves, from whom they may have rented them.

My first Ryotwar Settlement bore Reference to these Effects.

My Ryotwar settlement for 1819-20 was therefore fashioned with consideration to these effects (I am happy to think it was so, now that I see better what I am about); and I executed in puthas and agreement with each Meerassadar for his whole land, and held him alone responsible for the payment of the dues of Government upon it, whether it was mortgaged by him, or only subrented for one or several years. I subjoin a specimen of my puthas in such cases, which will explain what I mean better than any observations I can offer.

Examples.

Translated Extract of Puthas given by the Collector of Poona in the Kusba of Khan, in 1819-20:

1st. " Durvoo Towjee, on account of your meeras land $2\frac{1}{2}$ beegahs, cultivated as follows: By yourself, 1 beegah and 6 punds; let to Ram Manora Lur, 1 beegah 4 punds.—Total, $2\frac{1}{2}$ beegas of the Manora estate, at 18 rupees per beegah, Rupees 45."

2d. " Essoo and Gowjee Manora, on account of your meeras land, $2\frac{1}{2}$ beegahs cultivated as follows: By yourselves, $1\frac{1}{4}$ beegah; by Dhandoo Soolloogee Lar, the meeras share of Gowjee, $1\frac{1}{2}$ beegah, held in mortgage on account of a joint debt: Total $2\frac{1}{2}$ beegahs of the Manora estate, at 18 rupees per beegah, Rupees 45."

3d. " Rundoo Sutwagee Manora, not to be found (peraganda). To his meerass land, $1\frac{1}{2}$ beegah $\frac{3}{4}$ punds. By Dajeeba Koolkurnee, 16 punds, held in mortgage from Kundoojee Manora. By Wagoo Manora for this year, paying the challa rate 16 punds. Total $1\frac{1}{2}$ beegah of the Manora estate, at Rupees 18 per beegah, Rupees 29-3-81."

Remarks.

In the first, there is an example of land being let by a Meerassadar; by the second, an instance of mortgage of meeras land is exhibited. In this instance, two brothers (perhaps brothers by blood) who happen to be jointly responsable for a debt, instead of mortgaging one half of the share of each, resign the whole share of one of them, retaining the other share in joint proprietorship.

By the third, it is shewn that although the Meerassadar is not forthcoming, yet the amount for his land is kept in his name. The putha in this instance was

* It may perhaps be generally the case, whenever money was lent to a village, that the persons lending it looked to this power as the ultimate security for the recovery of the loan.

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was given to the Mocuddum, and not to either of those who paid the rent in 1819-20, but such puthas have been in this year ordered in that district where I had time to make a justhawar settlement to be given to the broder bhows, and ghurs bhows of the jutha to which the absent member belongs, since they are now held responsible in the first instance for the payment of the Circar's full dues from the land.

I submit also a translated extract of a patha granted in 1819-20 to a Meerassadar who had subrented some of his own land, but who is charged for the rent of the land of one of his deceased ghur bhows, or jutha brethren.

Moze Kawta Turuf Pabul Koendajee bin Wittojee Khundulkur.

" To your 15½ tuks of meeras land, cultivated as follows:

" By yourself, the octurstull, 12½ tuckas.

" By Oomagee Mang, of the Koen stuhl, 3 tuckas, let to him.

" To 7½ tuckas of meeras land of the chinchura stuhl, belonging to your " bhow Soobanjee Khandulkur, deceased.

" Total, 23 tuckas, at 1½ rupee and 2 annas per tucka, Rupees 37-1-50."

Gaum Khurch for 1819-20.

17. I am sorry I cannot say I took so correct a view of gaum khurch, and that considering it to be a loss to Government, and not a contribution by the villagers for their own amusement, I retrenched it more than I now think was either just or politic.

Effects of the Ryotwar Settlement.

72. The effects of the ryotwar settlement conducted on these principles, will, I hope, be deemed to have been calculated to confirm not only some of the most highly-prized rights of the Ryots as individuals, but also some of the institutions existing in this society. As however any examination in detail of the village accounts was calculated to strike at the root of the power of Potails, and the rogueries of village accountants, my proceedings were viewed with jealousy by these persons; the more especially as the amount of the jummabundy no longer remained a profit and loss account of the Mocuddum, and the tunka and kumal (or mouzewun) settlement was superseded in the ryotwar, by an arrangement by which Government took from each individual what the Collector was given to understand was, or what he could discover to be, a fair assessment according to the kumal rates for land, or according to a division of the moze kumal proportionately among the whole of the cultivators. This settlement also further undermined the Mocuddum's patronage of, and the right of the sumust dehijin or village corporation in ghutcool land. I say further undermined the Mocuddum's patronage, because, in 1818-19, one of the lessons constantly read to me by my old and experienced native revenue counsellors, was, that Potail Mocuddums cheated Government to a great extent in the letting of waste and ghutcool lands; and before I knew enough of the real state of things, I authorized very strict scrutinies, and promulgated some rules about istawa and ghutcool okhtey lands, which I now think were unauthorized measures, since in that year, 1818-19, my settlement of the jummabundy was not ryotwar, but mouzawa, according to the mouz kumal. The ryotwar settlement must in its operation, besides bringing to light in detail the Mocuddum's management of ghutcool land, have also, as I have stated, undermined the *right* of the corporation in it; for as its right in it is probably, as I have shewn, dependent on its payment of a tuncha or kumal rental, or a rental of the nature of these settlements, as soon as Government withdraw from the corporation its corporate responsibility for a certain sum, it perhaps may be considered to have resumed its exclusive right to uninherited. But I have not ventured (*Sic orig.*) to assert or establish any such principle. I may be wrong in supposing that the right rests on so unsteady a foundation, that is, supposing Government to have had an undoubted right to supersede at its pleasure the mozewar responsibility, and to settle with each ryot individually at the will of the ruling power. It may be supported on more stable grounds, but whatever it rest on, the people have so strong a feeling in respect to it, that I have refrained from interfering with it; but I now beg to be honoured with your sentiments and orders, and shall be happy to explain any observations I have made, that may appear to you obscure regarding this very important right.

View

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View of the Future in regard to this Effect.

73. But although the ryotwar system, if not well looked after in this country, might undermine too many of the rights and privileges, both of the society itself and of its heads, I do not now regret its adoption, since it has been effected without much apparent ill-will, and I hope without destroying any good institutions or subverting any rights, while it has been productive of one advantage, that of having established the custom of superintending and controlling the village institutions and system of administration; which we ought to maintain, as the best means of enabling us to preserve a greater and more wholsesome check, than our predecessors held over Mocuddums and Koolkurnees.

Remarks.

74. I must here express a hope, that my enlightened superiors will see in these observations nothing but the candid intention of not deceiving them by representing my own proceedings in a flattering light, or exaggerating those consequences of them that are pleasant; for I really believe that the introduction of the ryotwar system so soon, before I had time to look around me and see its correct application, and also my interference to so great an extent as I did interfere with gram khurch, was incautious and premature.

Advantage to the Society of a minute control by our Government of the Village Institutions.

75. I by no means wish to question the advantages of a settlement, by which every person knows what he has to pay to Government. They are obviously great, and we should, therefore, never relinquish the ryotwar system which we have introduced; but having regulated it so as to suit local rights and tenures, maintain it as the best check on the exactions of inferior functionaries, and the best mode of conveying to each person holding land liable to assessment, a knowledge of the amount of the Government dues on his estate or farm, whether wholly cultivated by himself or sub-rented to others. The advantages too, to society, of Government inspecting the Mocuddum's expenditure of its contributions for village expenses are so obvious, that it seems proper (even if I had usurped the power, and not been borne out by a right left us) to retain a great, though not so extensive a control, as I have exercised over this source of emolument to Mocuddums.

Settlement in one Turaf in 1820 21.

76. Our first object as rulers should, therefore, be to reestablish, when infringed, such of the old institutions as are consistent with the best interests of the people, and with the rights, whether of Government, or Mocuddums, or others. Acting from these impressions, I have, therefore, endeavoured in one turaf this year (1230), by regenerating the jutha system to restore it to its pristine vigour, and instead of allowing the lands of a jutha, may either be uncultivated or cultivated by an Oopuree or Sookha, waste paying direct to the Mocuddum and Government, to continue in this condition, I have thrown them on the jutha Bhows, and required from them jointly the full dues for the whole estate. The principle was admitted without dispute, and the only request I received when it was proposed in regard to waste portions of land was, that I would give to the jutha estawa for a few years, that the assessment might not bear upon them until they had ploughed them up and had wherewithal to pay the dues. This of course I have always granted, excepting where the jutha was composed of substantial members, and where the fallow-land of the estate was only one-fourth of its whole registered extent, in which case I have required that the dues of Government for the whole should be paid the next year (1231), and that the Bhows of the other three-fourths must join their efforts to plough the unoccupied portion. If, however, the jutha was poor, or only pleaded poverty, I gave over the fourth part in istawa for two years, requiring that only one-half of the full dues for the fallow portion shall be paid in the present fusly year. An example of what I mean may better impress this on your attention; I therefore submit a translation of a dowl jummabundy settlement of a large village in the turaf to which I have alluded in the juthawar plan.

"Dowl jummabundy of moze cowta turaf pabool. Moze 1, warrees or "muzreys 4, wells in good repair 16, broken down 9: total 25. Water-

" courses

" courses 1, boorkees (or pieces of masonry for drawing water from rivers and " nullahs) 8, ploughs 104, bullocks 478, Ryots who cultivate the land 147, " and Ryots paying taxes 102."

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(*Sic orig.*) Tunkha, 000, kumal, 5,965. 3. 50 Rupees.

Ruhba zumeen .... Tuckas 3,049½

Deductions:

Enams, *viz.*
Gaum nisbut, *viz.*
Dewustan, 13 tuckas, *viz.*

Yemace Davee 3 tuckas, Wittobee 10 tuckas, total		13	
Palnook:—Potail Mocuddum .... Tuckas	70		
Mhar Hadola	60		
		130	
Khyraut:—To a Fakeer		2	
Sunnuddee enams, *viz.*			
To Khandoo Mahadee, Koolkurnee, according to the accounts of last year	15		
Wessajee Ramchunder Kelkur .... Ditto ditto	5		
		20	
Total enams.......................		165	
Land under the houses of the village, and its hamlets...		20½	
		—	185½
Remains.........Tuckas			2,864

Apportioned as follows:—

1st. The Pokta jutha:

Cultivated by the original proprietors	50	
Ditto by tenants at will	90	
Agreed to be taken by the proprietors extant on cowl ...	20	
Remaining uncultivated	20	
	—	180
Of the following fields:		
Of Peempuldurra stuhl	80	
Of gunness stuhl..	60	
Of breca ditto..	40	
	—	180
Which land is rented as follows:		
As soostee	93	
As ockhtey	4	
As cowlee	41	
Waste	40	
	——	180

2d.* The Jamdurry jutha:

Cultivated by the original proprietors.........................	45	
Ditto by Ooprees, or tenants at will	45	
	——	90
Of the Jummabundy stuhl rented as soostee	67¾	
As cowlee	22¼	
		90

3d. The Waugdurrey jutha:

The whole cultivated by the original proprietors	152½	
Of the following stuhl of the Waugdurrey	100	
Of the wurshet	52½	
	——	152½
Rented as soostee	105¾	
As cowlee	46¾	
	——	152½

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4th. The Dhorkey jutha:

The whole cultivated by the original proprietors......Tuckas		56
Of the Dhorkey stuhl		56
Rented as soostee	46	
As cowl	10	
	—	56

5th. Gooroo jutha:

Cultivated by the original proprietors.....................	49½	
Under the village houses and walls	½	
	—	50
Of the Gooroo stuhl	50	
Rented as soostee	49½	

6th. Reymaney mahajun jutha extinct, cultivated by tenants at will, twenty tuckas, *viz.*

Of the Roondhatee stuhl	20
Rented as soostee	20

7th. Wauloenja jutha:

Cultivated by the original proprietors	17½	
Ditto, by Ooprees	8¾	
Lying fallow	8¾	
	—	35
Of the Dhurmatteekey stuhl..		35
Rented as soostee	26¼	
Waste, to be brought into cultivation in 1231...........	8¾	
	—	35

8th. Moossaley jutha:

The whole cultivated by the original proprietors......... 40
The whole of Renayet stuhl, the whole rented as soostee.

9th. Jutha soobanjee, power-extinct. The whole cultivated by Ooprees; twenty tuckas of Powar stuhl, rented as soostee.

10th. Keetey jutha:

The members of this family reside in the village of Sevendiney, having meeras land in that village also. The whole of their land in howta is fifty tuckas. Hitherto twenty-five tuckas have been cultivated by Ooprees on cowl, the other twenty-five tuckas were returned, lying waste for want of hands, cultivated by the original proprietors 25

Ditto, by Ooprees	25	
	—	50
Of Maha rooka stuhl..		50
Rented as soostee	25	
As cowlee	25	
	—	50

11th. Jutha mookeekur:

Cultivated by original proprietors	46½	
Ditto, by Ooprees	88½	
Waste	5	
	—	140
Of the Dhenkee stuhl..	60	
Waukurree do..	80	
	—	140
Rented as soostee	105	
Cowlee	34	
Waste..	1	
	—	140

12th.

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12th. Cundulkur jutha:		
Cultivated by original proprietors .... Tuckas	232½	
The portion of one Meerassadar thrown on the above proprietors	16¼	
		248¾
Of the Chinchgum stuhl	65	
Coorun ditto	80	
Chowtra ditto	40	
Hudda ditto	10	
Roendathee ditto	10	
Oodam ditto	43¾	
		248¾
Rented as soostee	175	
Ockhtey	25	
Cowlee	48	
		248¾
13th. Jutta gorey:		
Cultivated by original proprietors	271	
The portion of one Bhow extinct, now thrown on the other proprietors	3¾	
		274¾
Of the Bhocurset stuhl	90	
Gowel ditto	48½	
Narey ditto	50	
Hudola ditto	10	
Roendathee	10	
Goorowteckrey	10	
Puddaur sheth	56¼	
		274¾
Rented as soostee	244¾	
Cowlee	30	
		274¾

Warries:

14th. Itchuch warry jutha:		
The whole cultivated by original proprietors		270
Of the Renkey stuhl	80	
Gooldagger ditto	60	
Kamoot boozoor ditto	80	
Kamoot khoord ditto	50	
		270
Rented as soostee	196-8	
Cowlee	73-4	
		270

2d Warree.—Moonjulwarree.

15th. Jutha moenjal:		
Cultivated by original proprietors	340	
To be thrown on ditto, the share of a deceased Bhow...	22½	
		362½
Of the Moonjaldurra stuhl	160	
Nishanee ditto	40	
Garmaul ditto	40	
Choopukhetta ditto	25	
Belldurra	50	
Phootbhaee	37½	
Hudola	10	
		362½
16th. Kurda jutha:		
Cultivated by Ooprees	47	
Waste	10	
		57
Total of the land of Moonjalwarree		41′

Sallee

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Rented as soostee ......Tuckas	317½	
Waste	10	
Cowlee	65	
Ockhtey	27	
		419½

3d Warries.—Ganjewarree.

17th. Jutha Pingut:

Cultivated by the original proprietors	18½	
Ditto, by Ooprees	11	
		30
Of the Guktee stuhl		30
Rented as soostee		30

18th. Jutha Powar:

Cultivated by the original proprietors	18¾	
Ditto by Ooprees	11¼	
		30
Of the Baryeea khord cowlee	18¾	
Ockhtey	11¼	
		30

19th. Jutha Ghora:

Cultivated by original proprietors	36¾	
Ditto by Ooprees	87¾	
Waste	70	
		195
Of the stuhl Soosrattey	30	
Ditto kalkaee khord	25	
Ditto garrey kurnick	85	
Breea boozoog	40	
Waug stuhl	15	
		195
Rented as soostee	68½	
Cowlee	55½	
Waste	70½	
		195

20th. Jutha Ganjey:

Cultivated by original proprietors	36	
Ditto by Ooprees	24	
		60
Of Mootuck stuhl		60
Rented as soostee	27	
Ockhtey	6	
Cowlee	27	
		60

21st. Jutha mullee sindey:

Cultivated by original proprietors		80
Of bhagh stuhl	80	
On soostee tenure	80	

22d. Renkhan stuhl of 18 tuckas:

The original jutha or proprietors not known, and uncultivated.

23d. Waugshutul, in the same condition, 45 tuckas.

Soostee 35, Cowlee 10. Cultivated by the Pabool Mocuddum.

24th. K[illegible]hee Boozroog Stuhl Mallee, Guicowar Jutha,

two children		120
In cultivation	70	
Waste	50	
		120

[illegible] as ockhtey, 70 tuckas. Ordered to be rented as soostee.

4 Warrees

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4 Warrees.—Rohilwarre.

25th. Jutha Rohila.

Cultivated by the original proprietors............ Tuckas 13½
Fallow, from the absence and extinction of the rest of the proprietors 108½
——240

Of the sowar shett 60
Sownder do. 60
Boree pathee 60
——240

Rented as soostee 71½
Ockhtey 20
Cowlee 40
Waste 108½
(*Sic orig.*) ——240

Total 2,864 tuckas, *viz.*

On soostee rent	1,894	tuckas.		
On ockhtey do.	113	do.	4	rookas.
On cowlee do.	549¾	do.	9	do.
Waste	306¾	do.	11	do.
Total	2,864	do.		
Original proprietors	2,781	do.		
Ghutcool	83	do.		
	2,861	do.		
Deduct waste	306¾	do.	11	rookas.
Total assessed	2,557	tuckas	1	rooka.

1,894 tuckas on soostee tenure, at 1½ rupees and 2 annas per tucka .... Rupees	3,077	1	87
113 tuckas and 4 rookas on ockhtey tenure..............................	62	0	50
549¾ tuckas and 9 rookas on cowlee tenure..............................	398	3	37
Total aien jumma	3,538	2	84

Nuckdee bab:

Mahar haddee 24
Veeshar hoondah 50
—

Viz. Va wells 36
Bhoorkee 8
Pat 3
(*Sic orig.*) — 50

A piece of sheryee land 12
Doonjur coorun 13
— Rupees 99 0 0

Gram khurch at one anna per rupee	227	1	46
Total zumeen bab, or land assessment	3,865	0	25

Sayer jumma:

Batta at one quarter of an anna per rupee..............................	65	0	75
Babla mahar	2	0	0
Mohturfa	218	0	0

Viz. Marwarries .... Rupees	32	1	0
Goojeer	21	3	0
Simpee	25	0	50
Tellee	68	2	50
Momin	11	1	0
Canary linguiet	7	3	50

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Sallee .... Rupees				6	3	0					
Sonar				4	3	50					
Dhur				12	0	0					
Bhur bhoonjee				3	0	0					
Nalbund				2	2	50					
Sundues				6	3	0					
Moozoor				2	1	0					
Uttars and pinjarries				1	3	50					
Kullal				1	2	0					
Tumbolee				3	0	0					
Darookur					3	0					
Hulwaee				2	0	0					
Mallee					3	0					
Booroor				3	0	0					
Ballooty sootar				20	0	0					
Pareet				20	0	0					
Chambaur	20	0	0								
Coombaur	18	0	0								
Lowhaur	18	0	0								
Nahavee	18	0	0								
Gowoo	5	0	0								
Sonar	10	0	0								
				129	0	0					
Churonee jora	2	0	0								
Dusseerah buckra	2	0	0								
Chursa churmach	2	0	0								
Teel sunkrant	2	1	0								
				6	3	0					
Total of sayer jumma				Rupees			420	3	75		
Alaida jumma:											
Kullalee mukhta				15	0	0					
Bet nuzzur				1	0	0					
							16	0	0		
Total assessment				Rupees			4,302	0	0		

Explanatory Observatons.

1st. Jutha.—The tenants at will who cultivate the 90 tuckas are made over to pay their dues, according to their contracts and cowls, to the original proprictors extant; when their contracts and cowls are expired, Government is entitled to the full rent of the rent from the extant proprietors.

The cowl for the twenty tuckas out of forty lying waste commences in 1231, the present year; the proprietors have not capital to take the whole of the forty tuckas of fallow land in hand. The assessment of the soostee ockhtey and cowlee land of this jutha is as follows:

93¾ Tuckas soostee 1,250 per tuckas .... Rupees	152	1	37
5¼ Tuckas ockhtey	2	0	0
41¾ Tuckas cowlee	15	3	38
Total land assessment .... Rupees	170	0	75
Huckdar, gram khurch, &c. at 1 anna per rupee	10	2	56
Total aien jumma .... Rupees	180	3	31
Sayer Jumma Bazar Butta at ¼ anna per rupee 180	2	3	31
Total assessment for 1230 fusly .... Rupees	183	2	62

For the due realization and payment of which the extant proprietors have become responsible.

2d. Jutha. There being no waste land of this jutha, the tenants at will have been made over with their contracts to the proprietors, which when expired the jutha will pay the full dues, as stated in respect to the 1st jutha.

3d.

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3d. Jutha. This jutha is perfect, and cultivates all its lands. The reason of any of the land being granted in cowl arose perhaps from the poverty of the individual proprietors who in ryotwar settlements are generally each made responsible for their own portions only; or perhaps the cutcherry servants pocketted some part of the difference between the cowl rate and the full assessment. The same observations are applicable to the 4th jutha. The 5th jutha, it will be observed, cultivates and pays the full dues for its whole estate. The 6th jutha is quite extinct, and the land therefore now belongs to the village and its ghutcool. The patronage of this estate ought, therefore, to be with the Potail Mocuddum. It is saleable by the village,* and if it were lying fallow would also be available to Government to grant an enam. These observations were perhaps not called for, as they have already been made in preceding paragraphs; but it was worth the while to exemplify them when the opportunity offered, at any rate.

In respect of the 7th jutha it will be remarked that it has agreed to take in hand the 8¾ tuckas lying fallow in the current year. The 8th and 9th jutha require no remark. The 10th jutha I have required to pay on account of last year for the twenty-five tuckas of land lying waste the full assessment, because they are able to do so; and by their all going to reside in one of Scindia's villages and deserting entirely that of Government, there was a loss to our Government which then demanded to be made good was not disputed, but acceded to by the Meerassadars as the right of Government. They have taken care to plough it up this year, and having done so I may perhaps recommend some part of last year's assessment, if not already all paid, to be excused.

The amount of the jummabundy for the year 1230, it will be seen, is	Rupees	4302	0	0
The amount for 1229 was		3682	0	0
Excess in 1230	Rupees	619	0	6

arising from fallow land (pargumin) thrown on the juthas. On the foregoing arrangement

106¾	Tucka soostee	Rupees	172	3	87
235½	Tucka as cowlee		105	2	63
342					

80 ditto of ockhty land thrown on the jutha as soostee at Rs. 1 2 50	Rupees	130	0	0
Deduct ockhtey rent		90	0	0
Excess	Rupees	40	0	0
Increase in 1230 by the juthawar plan in this village,	Rupees	318	2	50
Increase of cowls to Ooprees and Meerassadars this year ...		107	2	62
Total increase on land assessment..	Rupess	462	1	12
Veer Hoonda	Rupees	15	0	0
Kullalee		15	0	0
Coorun		10	0	0
Bet Nuzzur		1	0	0
Kaper Khurch Puttee		84	0	0
Mohturfa increased		67	0	0
Total increase	Rupees	619	0	0

From the above amount of Jummabundy is to be deducted the hucks of Huckdars, gram khurch, &c. included in it, and the mokassa which is assigned away in Surinjam.

Effects

* As I have not abrogated this right or custom, I make use of the present tense.—(See my observations on the sunnud inamutta land: those in the seventy-second paragraph.)

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Effects of this Arrangement.

77. By such arrangements the revenue to Government will increase rapidly to a certain extent, and my Mamlutdars and Dufterdars will lose perhaps a source of illicit gain; for under the head of cowls and istawa, our native revenue servants having in a great degree usurped in ryotwar settlements the powers formerly in the hands of Potails of letting out land in istawa, contrive to cheat both the Government and the people out of a good deal of money. But one of the most important advantages to be derived from this arrangement being brought into full force, is the acquisition by the government of the village rate of rent for meeras lands, for all that portion of the lands of juthas now out of cultivation (often the very worst land of the whole estate), and which would not pay so much as the village rate, perhaps, if let to tenants at will: indeed, throwing up of the bad parts of meeras land may be in particular cases the reason that some juthas have any uncultivated land at all.

Government shewn to be no loser by the Arrangement.

78. It is highly fortunate that by this custom of the people I have a prospect of checking a cause of temptation and a source of gain to my native servants, and that there is a chance of saving Government from loss, owing to its own helplessness, in granting istawas and cowls. On the present plan I may try to get better terms than are offered, but I am told the lands must lie waste unless the poor Oopree obtains them at the proposal rate, and he begins to make a pitiful representation of his poverty and want of means. Every Collector is in the hands of his servants in such a bargain; the land is therefore allowed to be let by the advice of Dufturdars duly taken. A Meerassadar, (*Sic orig.*) an Enamdar, or any one can let middling good, and the Government can also its shyree land to a cultivator, on condition of receiving half the produce, and it is done every day. But the utmost Government* can expect for unoccupied jutha lands is the village rate paid by Meerassadars, and that too, not till the end of perhaps five or six years, while in the interim the givers of the leases (whether Potails or Mamlutdars) pocket some part of the difference between that rate, and half the produce. If, therefore, Government can get no more at any rate than this meeras rate, there can be no reason, even on an interested view of the subject, for not giving the Meerassadars the choice of cultivating and paying the dues of Government for their own land, which they do not now look after, either because they have too little capital or stock, or because the land is inferior to the rest of their estate, or because they cannot get under-tenants, any that offer being picked up by the Mocuddum or by my Mamlutdars for the lands they patronize. Where the land was lying waste for want of farming stock, therefore, I have given the jutha tuggye, which I hope will meet with approbation.

Potails

* In 1227 fusly, the year of the war (A.D. 1817-18), the village of Wansoendey turruffs Paters received cowl from the Mahratta Mamlutdars for the year, Bulwunt Rao Dantey, in consequence of the previous Mamlutdar, Aba Baun, having ruined the village through oppressive exactions. The terms of the cowls to individuals were left by Dantey to be fixed as the Mocuddum chose, or best could. The Potails gave cowls at an increasing rent for six years to some, and for seven or eight years to other Ryots; but in the last year of all cowls, the amount to be paid was Rupees 80 for chowry, instead of the mamool, or usual rate of that village per chowry of fully assessed land, *viz.* 120 rupees. These unusual istawa leases became a matter of discussion in the jummabundy settlement of the village in A.D. 1818-19, and the Potail Mocuddum said he could not obtain cultivators on more favourable terms; and the cowls he had passed being examined, the cutcherry of course was bound to respect his engagements. In 1229 fusly, A.D. 1819-20, in the ryotwar scrutiny which took place, the Ryots did not disclose the fact that, in the preceding year, 1228 (the very year after the cowls had been granted), the Mocuddum had broken his engagements, and had obliged them, one and all, to pay, instead of thirty, forty or fifty rupees, according to the istawa payments of that year agreed on, 120 rupees per chowry, or the full mamool assessment per chowry of the village, and forty rupees per chowry more than the highest sum demandable on the leases granted in the last year. The Ryots accordingly, in 1229, received pottahs from me according to the cowls they held; the Potail Mocuddum, and his coadjutor the Koolkurnee, however, did not scruple to exact the full mamool rate of 120 rupees per chowry, as they had done the preceding year. In 1230, A.D. 1820-21, the same proceeding was repeated; and it was only a month ago that, when inquiring into the payments made by the Ryots, and examining receipts passed the Mocuddum, I discovered what had been going on in this village—not one Ryot complained to me, although I gave in 1229 (1819-20) every Ryot his pottah with my own hands. I hope my cutcherry servants were ignorant of the truth, but I cannot help suspecting their connivance, from the silence of the Ryot. If such barefaced fraudulence and breaches of faith can be attempted on so extensive a scale by a Mocuddum, we may infer what his conduct is likely to be when the risk of discovery is less.

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Potails formerly had the advantage of letting Ghutcool Land.

79. In the same manner as my officers, and I presume those of some of the other Collectors, I have now assumed a control over the disposal not only of fallow portions of meeras estates, whose juthas are in a greater or smaller degree of efficient existence, but also the established patronage before held by Mocuddums of estates entirely ghutcool. So was it formerly similarly usual with Potails to let out ghutcool, or the land of extinct juthas, as well as such pieces of land belonging to extant juthas as they had acquired the patronage of, through disputes, exacting in rent, in googree, and in other ways nearly half the produce, when the land was of tolerable quality, and somewhat less if poorer land, or good land, but exhausted by improvident and careless management,* and want of attention to the proper crops by tenants at will, never, however, contributing for the rent to the village beyond the rate of meeras lands, and only so high in the last year of the cowl.

80. These Meerassadars were opposed by my own officers, because they are in direct opposition to their interests, by assigning on permanent holdings a considerable portion of the lands in their patronage, instead of their being annually at their disposal to such as might (I may say) bribe them highest; but my local managers after all, still retain the patronage of all the land, none of whose owners are extant, formerly let out by Mocuddums, and they will continue to retain this patronage unless we give back to Mocuddums the prerogatives in this respect usurped from them.

Revision of the Rates of Assessment considered.

81. Should it ever be the intention of Government to exercise its right of revising the rates of assessment, the measure should be a general one, and superintended by gentlemen versed in such a duty, which however should not be undertaken till the people themselves think it time. Besides the advantage of settling all disputes about kumaul village durs, or rates, it might be made subservient to the settlement of an hundred disputes about village-boundaries,† and shares of meerass property. The uncertainty regarding kumaul averaged village rates, and the lands to which they are applicable, and which forms almost the only subject of serious discussion in the jummabundy settlement of the year, leaves a fair opening for me to induce a request from many of the villages under my charge, to have a survey of their lands and a new village-rate fixed; while I also embrace this opportunity of mentioning that the most likely mode of exciting a general wish to the same effect seems to be, merely to instruct the local officers to intimate in their pergunnahs, that in the settlement of the jummabundy, "considerable discussion having arisen about kumaul "rates‡ of assessment of some villages, and that the Government being de- "sirous

* Good crops are for two or three years acquireable from all our land. Tenants at will take these crops, and then throw up the land, because its power is wasted; if it were to be again immediately cultivated, there would be a great falling-off: but cowls are generally only for two, three, or four years, and then the land is thrown up, and a new spot taken in cowl. The richest crops are *the first* after the land has lain fallow, and the istawa tenant pays *for them* leased to Government; but as the land becomes exhausted, he pays more. The real fact I suspect is, that some intermediate agent takes nearly half the produce by the entire concurrence of the Ooprees, or, what is the same thing, he takes or bargains for a trifle equal to it on the granting of the cowl. It may be a question whether Government has a right to more than the full village-rate assessment for *village-land*, the Mocuddum being entitled perhaps to throw any *greater* payment into a general fund, on rendering, for instance, land *khurch*, *muckhty*, *meerassy*. The rest of the village must contribute among them the deficiency between that quit-rent and the village-rate, or the due proportion of the jummabundy settlement, whatever it may be: the excess, therefore, should go to a village-fund, to lessen this contribu- [illegible]; but the Mocuddum probably pockets it, and cheats his community out of any such advantage.

† For the sake of satisfying my curiosity regarding the prevalence of such disputes, I ordered the number of villages of one district where they exist to be ascertained: out of the seventy-four villages of that district, there were no less than forty-one villages which have boundary disputes, and which it is so much the interest of the villagers not to settle, that I see no hope of their ever being brought to an end, excepting by a survey. The quantity of land deducted as lying waste in forty-one villages [illegible] which a fair estimate has been given to me, that not more than forty chowries [illegible] eckoning the chowry moderately at ninety rupees. Government thus lo[illegible] 118 chowries, or 10,000 rupees per annum in one pergunnah of seventy seven vil[illegible] profit from this land being brought into account, would almost alone defray the expense [illegible]

‡ The kumaul village dhur, or rate, it must be recollected, is quite a different thing from the kumaul rates of assessment on the land, according to its quality; it is the average of the rates which appear to

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" sirous of ascertaining what is really just, those who consider their present " rates too high, may have them fixed after inquiry, on equitable and usual " principles, on their representing such a wish in a petition to the hoozzoor, " and on their passing an agreement that they will abide by the new assessment " when made, whether it exceeds or falls short of the present rate." Previous however to committing the Government by any measure likely to end in a general survey, it might be worth the while to discover first in a few of the most discontented villages, what advantages or disadvantages we should be likely to stumble upon, for the best calculated might be deceived without a little practical observation. The disadvantages that might attend the permitting of natives to survey and fix the rates of assessment of the land of Meerassadars are so obvious, that they need hardly be mentioned, since you are no doubt aware of the eagerness with which the right to meeras land is contested. Independent of the objections on the score of their want of honesty, natives have a very great natural tendency to take for granted, many points which it would cost them some trouble to determine with precision; and some of these points, if negligently assumed, might render the survey of so little use, or rather of so bad an use, that it would be better to have no survey at all.

Mode of conducting a Survey.

83. In regard to the mode of conducting such survey, the gentlemen employed should each have two half-caste young men skilled in land surveying under them. The gentlemen should be able to speak Hindoostanee, or if Mahratta so much the better, so as to be easily understood by the villagers. They should be empowered to assemble punchayets to decide on boundary disputes of villages and fields, and when the proceedings on village boundaries extended beyond three days, to decide themselves according to the best of their judgment, which should in all cases have reference to local usages, and to paulot, to rivers, nullas, and other natural boundaries. In any cases of great doubt or dissatisfaction, the Collector might be called in, who with the district Daismook, &c. should settle the point at issue. When the country admitted it, gentlemen should themselves traverse the village boundary with the perambulator, and also the boundary of arable land; for most villages here have beyond the arable portion, and between it and the bounds of the next village, some portion of barren land. Where the Surveyor should deem it of use, or practicable, he might measure the extreme length and breadth of these circular areas, and thus he would, before he commenced with the chain, have a pretty accurate rough sketch of the area he had to fill up. The next business of the Surveyor would be to ascertain the number of juthas, or families of hereditary landholders who originally occupied the village, and to compare them with those extant, and he should at all events distribute the present occupants with reference to the survey of the land and the occupation of thuls; and in order to comprehend this part of the subject, and indeed the nature of tenures altogether, the gentlemen might be attended by the Collector during their first operations. On ranging the people under their natural heads, the Surveyor should receive from the Koolkurnee a written account of the partition and extent of any thul he should choose to commence upon, the names of the fields it contained, &c. He would then commence his survey, measuring the area of the thul* himself, by the perambulator if a large thul, or by the chain if a small one. He ought himself also to measure the quantity of barren land contained within its area, and leaving the detail to be filled up by his Assistants, he might proceed himself to another estate. The Surveyor's Assistants, on entering on a thul and measuring the portion of each Meerassadar, should specify his name, whether the whole portion or how much of it was inherited property, or whether it was purchased, and the best account procurable of the time and other particulars of the purchase. He should also class the land, and state the proportion of each quality. The Meerassadar should obtain a statement of all these particulars of his field, which should be signed by the [illegible] Assistant

to be the same every where, but the average rate, [illegible] dher (gunchaleecha thur), has been altered by Koolkurnees and Potails in every village. [illegible] vey of any village be ordered, I shall furnish an example by way of explanation of this [illegible] which may appear confused and unintelligible by description only.

* Many thuls or estates are a mile in circumference.

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Assistant Surveyor, when its accuracy might be determined by the Surveyor himself, who before confirming it should be bound to hear, examine, and rectify any inaccuracies pointed out, or remove any objections or erroneous understanding entertained by the owner of the field. The Surveyor would then fix the rent of the field according to a certain scale (which I shall be prepared to submit to Government, should a survey be undertaken), and register the whole of the information acquired and the dues thus fixed.

Subsequent Management of the Revenue.

83. After any such survey the Government should annually settle with each individual for those dues to it for which he is responsible, and otherwise keep itself perfectly acquainted with the whole detail of the internal management of the village; but, after the dues are fixed, the heads of juthas should be held responsible for the due collection of the amount to the Potail, who in his turn should be the responsible person between the Government and the heads of juthas. The degree of responsibility with which these two intervening agents should be burdened is already almost determined, and in full force, from this pristine arrangement being still well defined, and from its being the natural form into which things have a paramount tendency, even when displaced again to resolve themselves. This responsibility necessarily confers on him who bears it a degree of importance, to enjoy which both Potail Mocuddums and heads of juthas will be very ambitious. The desire of such distinctions among the people of the Deccan is a feeling which, if properly directed by Government, may tend much to the maintenance of a respectable class in society; and the only care necessary to give it a proper direction is, to prevent the Potails and heads of juthas from committing petty acts of oppression: a matter I should think of easy accomplishment, if Collectors move out frequently in their districts, and if each individual who pays direct to the Government Agents be informed what he has to pay. Though there is great reason to suppose that a native who has the slightest power is disposed to turn it to his personal profit, yet this is no reason why we should not endeavour to correct this perhaps too general propensity of human nature. There is a difficulty, however, in finding out the mode of correction that most naturally adapts itself to the feelings and frame of society; this should be eagerly sought after, and in the interim we should carefully shun all attempts at a reform through the medium of unpalatable or unsuitable innovations in their relations in regard to each other.

Casual Remarks on the Frame-work of the Society.

84. The Potail Mocuddum in latter times has been too much his own master, but that is no reason why he should be stripped of all his rank and power; many social institutions, which if left to themselves might generate tyranny and oppression, have been found under the direction of reason to be the most useful and the most powerful engines of good. One of these I look upon to be the gradation of ranks in society, and the power which certain individuals thereby acquire over the rest. It is notorious in countries where the only two well-defined classes of the people are subjects and rulers, that the interests of the former are entirely in the hands of the latter. The most petty servants of the crown in such a country is a despot to the extent of his ability, and the ability of even the most despicable is often extensive enough to cause a rich man to tremble from a dread of the injustice it may produce. To what extent and with what ability will any Government, finding itself in such a condition with reference to the people, though imbued with the most Utopian intentions of governing, be able to check its servants and their servants, and the servants of those servants, from committing acts of oppression in the bare performance of their duty. The Moguls fostered a middle rank of men, but they completely erred in the principle, for they made them Government servants. These men acted as other servants of Government did, that is, they cheated their masters and oppressed the people; they now however bear, or will I hope very soon under our Government, much more of the character of a real step in the society itself, instead of their being only a link of the infinite chain of a despot's agents; for they have at present little to say as servants of Government, and they are much looked up to by the people.

Evil

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Evil attending diffused Government Agency.

85. The evils of a diffused Government agency are to my mind obvious and manifold. If the Government thinks it can check them by vigilant superintendence, it has planned an herculean labour which it will never accomplish, however much it may flatter itself with well-written schemes devised for this purpose. The success of all such attempts entirely depends on the activity of superintendence bestowed on them. They require able European servants in every district, I might say, indeed, in every pergunnah, who will be zealous and ever on the watch; in fact, such a body of able men as will not be found in any public service in the world. Where Government are not on their guard, and even where they are, some one native of his cutcherry pushes himself forward into consequence, generally by picking a hole in some other man's management. The Collector follows up the inquiry, finds it true, or perhaps only likely, but begs a repetition of the favour from the informer, who is thenceforward invested with a power which, when other natives see his drift, they never fail to assist with every malicious story they may consider acceptable. He promises them, in return, the favour and patronage of his master, and he is soon surrounded by hundreds of complainants; he then commences to accomplish his own designs. The by-standers being impressed with a belief that he is omnipotent with his superior, bend before him with offerings and sacrifices, and he fills his pockets without fear or reservation, and probably the bubble is only burst by the Collector's suspicions being transferred from those once accused by this leviathan of inquisition and roguery, to himself; by his having declared them all quite innocent, or by his suppressing the proofs of their guilt. The evils of all this mummery and deceit are incalculable; they destroy confidence, and the person who is thrown into prison solely upon suspicion excited by some such informer's information, or "gooman," as it is somewhere called, and afterwards convicted or sent about his business on strong "gooman" of his delinquency, is probably succeeded by one who cheats both the Government and the subject much more than he did. It must not be understood that I am depreciating the value and indeed the necessity of investigations into the conduct of those who act corruptly, or against whom there are just grounds for believing so: far from it, I merely mean to observe that this goyenda system, or rather system of opposing causes, which sets every native who sees a profit in it on the alert to assert falsehoods of his neighbour and get him into trouble, is a very base method of turning the propensities of the people to account. I speak from experience, when I say that I do not know one native who would not, in telling his story, introduce in it, if he saw a fair opportunity, an unjust and better turn against his rival or adversary; and yet, aware of all this, we greedily quaff from such fountains of information. The consequences are, that no man who enters our service, even if he be honestly inclined, will long remain so; in self-defence he commences with all despatch to make money to enable him to bribe informers into silence, so as to preserve his place, as well as to make his fortune. To withdraw as much as possible from our own officers the patronage of letting land, therefore, in a ryotwar management, and to plant guardians between the mass of the people and these our servants, must be objects of the greatest moment to the happiness and welfare of the people; while all that rivalry and putting down and pushing out of one Government servant by another, or by an Oomedwaur,* will of itself subside and render our servants a more respectable and more moral set of men than they are now.

Desultory Remarks terminating.

86. The reduction, therefore, of the inhabitants to two classes, the agents of Government and its subjects, seems to resolve itself into the evils I have stated, while the only advantage that it fallaciously exhibits to the kind-hearted is protection to the miserable property of a miserably poor people. But this advantage, as I have already stated, can only be derived so long as a vigilant Collector and vigilant assistants are in the district, and no longer. If by any other mode the same degree of protection could be acquired without a dependence in a cause so likely to vary as the abilities of the head of the department, and which would have other benefits besides, there can be no doubt

* An expectant; a tranger one.

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doubtthat it should be adopted; but to improve the condition of the people is a duty which a just and wise Government should perform, and if there be any thing wanting besides duty to urge us to this consideration, it is perhaps to be found in facts similar to those I have adduced regarding the impossibility of always being able to command a sufficiently vigilant superintendence by Collectors and other public officers, and the evils to which the best intentioned vigilance, under a system that maintains the necessity of listening to informants, gives rise. The only remedy I can devise for all this may be stated in a few words. It simply consists in fostering the local institutions which, notwithstanding the bad government of some of our predecessors, and especially of Bajee Rao, are yet familiar to and highly prized by the people themselves, and which will cause a certain portionof the society to be looked up to by the rest as respectable in themselves, andnot so merely because they are the petty despots of a government agency.

Soils.

87. The soil of the collectorship may be said to be divided into three principal kinds, each kind having subordinate shades and qualities, some of which are pretty well defined by particular designations. The three primary divisions are, 1st. kalee, or black land; 2d. pandree, or white land; and 3d. tambut or tambree, brown copper-coloured land. These names are more scientifically general than our own classifications; at the same time they are evidently of the simplest and most natural origin, arising from the appearance of the land as it struck the eye.

The Kalee, or Black Land.

88. The kalee land is almost in all its shades highly productive, 1st. The deep-cracked black soil ranks first in point of power; but it is not so highly esteemed as that lighter black mould which is intermixed with small stones, for it is a very thirsty soil, and requires a plentiful and constant supply of water to bring and keep its powers in action. The cultivators say, that if it be not continually drenched during the growth of the crops, these pine and become withering. This soil is sometimes distinguished by the name of doenbee and kewuldas, kalee zumeen. 2d. The karkhul or dhondal black land, which has stones in it, by which, I presume, its texture is rendered more firm, and thereby more capable of retaining water, is the most highly esteemed land for ordinary jerayet crops, the supply of water for which depends on the rainy season. This soil is not so powerful, nor perhaps so deep as the first-mentioned. It is a lighter soil. It is more easily laboured also, but requires to be ploughed oftener than the other, and to receive more manure. The lands of this soil are never permitted to be at rest; and were it not perhaps owing to the unfrequency of deep ploughing, and the excellent husbandry of the Collectors in mixing with the white, or wasting crops, what at home is termed "fallow crops," and in sometimes having only fallow crops for one or two years, they must have been much more exhausted than they are. That their power is greatly decreased within the memory of man is, however, a general belief. 3d. There are, besides these two kinds of what may be termed purely black soil, several other shades of kalee when intermixed with sandy or clayey soil, and there are also spots found here and there in the midst of large and fertile fields of black soil (as well as other soils), which produce wretched crops in comparison of the surrounding fields. These spots, on being dug up, are found to have near the surface a perpendicular heap of choona or lime-stones. Where (as in the few places), there is a considerable extent of this thin soil over tim- the land is termed kalled choonkurree.

The Pandree or Whitest Soil.

89. The second kind of soil, or the pandree, has also severa' This land is considerably impregnated with chalk; when it is deep fine crops. The best kind of it is that of which the basis is black is light and is much esteemed by the cultivators, who find it does cherish weeds or strong grass, which occasion them so much troubl soils.

Tambut or Tambree or Reddish Soil.

90. The third kind of soil is the copper-coloured or tambree zumee this there are very many varieties, for it seems to include all those lan

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skirt mountains, and others the least productive in the country. This soil is in general a rough stiff soil to work upon, and requires to be ploughed deep. In the district of Pabool I have seen specimens of its best kind, and the depth of the ploughing was little less than that in our own country. It is in Pabool a very powerful soil, but requires great labour; in its composition there is a mixture of sand and clay, the sand predominating. Its different varieties are:

1st. Sal zumeen or nirmul tambree, which is the lightest and most fertile kind of it, and perhaps contains a greater proportion of sand, and is deeper than the other varieties.

2d. Mall zumeen is a thin reddish soil, spread over hard rocks. It appears to have two or three varieties, according to the predominancy of sand and of friable stones, and according to its depth. Of its varieties are, 1st. The mall moorood, called also the tambree mulsee, which affords a tolerable coating, as soil, to rocks and mountains. 2d. The burrud or soft friable rocky ground, barely pulverized into earth by distant and shallow drifts of the plough: in fact it can hardly be called a soil.

3d. The walsurree zumeen or sandy soil, strictly so called, and which according to its depth gives tolerably good crops.

4th. Besides these three principal kinds of soil, there are patches of shelout or chowpun, stiff clayey soil, and of the cheekunnee or pure clay, in which nothing can be cultivated. This kind of soil is found generally near to and on the banks ef rivers; it seems to be black, brown, and white, in different situations. The agriculturists also term swampy or undrained land, shembar or oopul. Land in this state is very rare, and the soil of it where it exists is of a clayey nature.

Proportions of Soil.

91. The proportions of these soils in my district may be stated as follows. But you will, of course, consider the estimate as I do myself, to be only an attempt at an approximation.

Of the kalee land	50	parts.
Of the pandree	12	
Of the tambree	30	
Of other soils	8	
Total	100	

Of the kalee there may be estimated as producing baghaet crops of the fifty parts	2	parts.
Irrigated by water-courses for rubbee crops	5	
Ditto by wells for ditto	3	
Irrigated	10	
Producing jerayet crops or waste	40	
Total	50	

Crops on Pandree Land.

Of the pandree the following distribution may be stated. Pandree often lies close to villages, and perhaps has acquired its name from the colour it has acquired, by the heterogeneous mixture it is liable to from its vicinity to the ··tants.

'ander also means a village producing baghaet crops	1	part.
·gated by courses for rubbee crops	2	
·tto by wells, ditto ditto	2	
Irrigated	5	
›ducing jerayet crops	7	
Total	12	

Crops on Tambree Land.

stribution of the tambree may be thus rated:

Producing

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Producing baghaet produce	½
Irrigated by courses for rubbee crops	1½
Ditto ditto ditto	1
Total irrigated	3
Producing jerayet crops or waste	27
Total	30

Crops on other Soils.

Other soils either produce jerayet crops or are not in cultivation.

Total Land irrigated with reference to what is not.

The total quantity of each of these, therefore, are thus distributed:

Irrigated kalee	10 parts.
Pandree	5
Tambree	3
Total	18
Not irrigated	82
Total	100

Capabilities of the Land not irrigated at present.

Of the land not irrigated, the following returns may be near the truth. Capable of producing rubbee crops:

Kalee land	40 parts.
Pandree ditto	7
Tambree	7
Total	54
Only fit for kurreef	28
Total	82

Actual State of the Land not irrigated.

And again with respect to its present state or actual cultivation:

Rubbee land	22 parts.
Kurreef land	40
Waste or fallow	20
Total	82

Natural State of the whole Land.

And the same with reference to the whole land.

Baghaet	3½	
Jerayet rubbee crops irrigated by wells	6	
Ditto by courses	8½	
Not irrigated	22	
		40
Jerayet kurreef crops		40
Waste		20
Total		100

There is therefore about eighty parts in cultivation, and twenty or one-fifth waste, of the whole arable land of the collectorship.

Statement of Grains produced or Land producing Kurreef Crops.

The kurreef in cultivation may be subdivided into:

Bhaut khachur or rice lands	4 parts.
Wurkas land	1
The better sort of dry grains	35
Total	40

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Kurreef and Rubbee.

92. By kurreef is to be understood crops brought to maturity by the monsoon rains; and by rubbee, those that are matured by dews and by irrigation and partial showers in the fair season, from November till March. It is to be remarked that no rice is cultivated by irrigation, all which is sown depending solely on the monsoon rains, and a partial and uncertain supply from streams that continue to flow for a fortnight or three weeks after they cease. I trust my deviation from the usual number 16, in shewing the parts of land, will not be deemed objectionable; my reason will be obvious in not using it, when it is remarked that some of the divisions are to the fortieth and sixtieth parts of the whole land.

Experiments for ascertaining the Produce of Land.

93. On the 31st of October last year, I personally attended and saw the crop of one paud of Madoo Rao Dundera's fields (called gocal shel, of the village of Tulligaum Dundera) cut down. The land was of the first quality of black; the crop was of the best of that season, but not so well filled as in better seasons. There was one-sixteenth part of the area included in the paud, blank, in several little spots where the grain had not sprung up. The crop was nine-tenths of bajury and one-tenth of joary. The number of seeds of grain in one of the finest heads of bajury was 3,018 seeds, the weight of which was 5 drachms and 2 grains apothecaries' weight. The finest joary head contained 2,556 seeds, and weighed 14 drachms. The product of this paud of land having been cut down, and also thrashed out before me, the out-turn of grain was 5½ pahaleys. This gives 110 pahaleys for a beegah, which at the rate then in the village, and which may be estimated to be the fair average rate of the country for many years, *viz.* 5 pahaleys per rupee, makes the value of the crop per beegah 22 rupees.

Another Trial.

94. On the same day I personally saw measured and cut down one paud of a field belonging to Toolojee Caley of the village of Tamklee. The land was the best kalee. The crop of bajury was a middling one for that season; but the other products were fair, although I did not cut them down, from their not being then ripe. The mixed cultivation in this field yielded several grains. This kind of cultivation is customary, and it also wastes the soil very little more, from some of the articles being vetches, or what should be termed green or fallow crops. The out-turn was 3 pahaleys and half a seer of bajury in the paud, or 62½ pahaleys per beegah.

The value of this was .... Rupees	12	2	0
And of the other products estimated by Toolsajee and many others present, *viz.*			
For 20 pahaleys at 4½	5	3	78
Teel 15 pahaleys at 4½	5	0	0
Railie 12 do. at 8 ps. per	1	2	0
Mut 15 do. at 6 do.	2	2	0
Value of the produce of the beegah	27	1	78

Average of the Trials.

95. The average of these two crops is Rupees 24. 1. 89. for the value of the produce of one beegah, of which there are 100 to 81 English acres, and which therefore gives the average value of the produce of last year of a jerayet crop on the soil in the extent of an English acre to be Rupees 29. 1. 47.

Method adopted.

96. This result being gained by actual experiment, is worth an hundred accounts received from Koolkurnees, Mamlutdars, and Dufturdars. The measurement was made with a rope, which when its two ends met enclosed exactly one paud; the ends were sewed up, and I have performed several experiments on poor lands, and in different parts of the country. The Ryots are always desired to measure the rope, and to satisfy themselves and me of its accuracy; they invariably did so, by making it into the shape of a square, and by producing either an old katty out of the village to try it by, or by measuring off a new one of five haths and five moothees of five different persons. On all occasions it was admitted to be a precisely just and accurate measure.

Estimate

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Estimate of Crops of Black Land averaged.

I submit an estimate of crops of the best black land in three good and bad years, the average of which being struck may be taken as the mean for ascertaining the medium produce of all the soils.

Kurreef Crops and Rubbee Crops not irrigated on the best Kalee Land.

CROPS.	Best of Crops	Middling Crops.	Worst Crops.	TOTAL.	Average of Total.	Average of Crops.	Estimated or average Value of Produce in Pahaley
	Produce in Pahaley.	Produce in Pahaley	Produce in Pahaley.	Produce in Pahaley	Produce in Pahaley.	In Pahaley.	
	Rupees.	Rupees.	Rupees	Rupees.	Rupees.	Rupees.	Rupees.
Bajerry	65	57	35	157	52		
Toor	30	26	12	68	22		
Teel	25	18	8	51	17		
Raley................	20	14	10	44	14		
Ambarey	5	3	2	10	3		
Total......	145	118	67	330	110	110	25
Bajerry	120	100	70	290	97		
Joarry	6	4	3	13	4		
Total......	126	104	73	303	101	101	20
Bajerry	50	40	28	118	39		
Toor	60	45	28	133	44		
Teel.................	20	15	10	45	15		
Ambarey	4	3	2	9	3		
Total......	134	103	68	305	102	102	25
Bajerry	70	60	45	175	58		
Mutt	60	50	40	150	50		
Total......	130	110	85	325	108	108	20
Peela joondla..........	130	108	80	318	106	106	20
Wheat .... / Gram	100	80	60	240	80	80	20
	130	115	90	335	112	112	22
					Total	719	152
					7 Average..	103	21

Deductions from an Addition to the Average foregoing.

93. This average may be considered very near the truth; but as it appears to be the produce when the soil is adequately manured, it is fair to deduct on account

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account of its sometimes being either not manured or only partially so, and on account of other contingencies, such as perhaps once in seven years a total failure of crops, say one-fourth of the whole. The average would then be of produce 77 pahaleys, and its value about 16 rupees per beegah; but to this ought to be added, on the other hand, a few pahaleys, which are generally obtained in a second crop after the kurreef is reaped. This second crop, in some places, is equal to half the first; but in most instances the soil is too much exhausted from the previous crop to produce more than a fourth. Nor is it a general practice to sow for a full crop, so that an average must be rated low, say at one-tenth of the first crop; this would raise the total produce from 77 to about 84 pahaleys, and the value to about 17½ rupees per beegah for kurreef, and second rubbe crops, not irrigated.

Estimate of Crops and Produce on second-rate Land.

98. On second-rate land, according to some actual experiments which I have made, I should reckon the difference of the average produce to be about one-third less than that of kalee; but I have not had time to go through the computation sufficiently, or have I yet completed my actual observations on this and the poorest sort of lands. The difference stated, however, may be deemed fully below the point, and certainly not above it. I should also reckon the average of the poorest lands might be estimated at five-sevenths less than the average of the best. I shall at a future period communicate the result of further observations on this subject. On these grounds the following scale is arrived at:—

Scale exhibiting the average Produce and Value of good, middling, and bad Lands.

1st. Land............	84 Pahaleys......................	Rupees	17	2	0
2d. Ditto	56 Ditto		11	2	70
3d. Ditto	24 Ditto 7¾ Pahaleys		3	0	80
	164		32	1	50
	Average 54⅔	Rupees	10	3	16

The Average of the Kumaul Rates of Assessment applied to the foregoing Scale, and the average Proportion of Produce paid to Government therefrom deduced.

99. I will now apply this average to the general rate of Government dues fixed at the kumaul settlement for the different sorts of soils, and which is, in fact, operative with very trifling variations through the whole district, excepting in the rice country or mawuls.—

Thus 1 beega of jerayet land, called mullye as jerayet	3
1 beega of cattle	2
1 ditto of durim	1½
1 ditto of secum	1
1 ditto of charseeum	0¾
	5 8¼
Average per beega	1 2 60

Which being found 6. 54 decls. times in Rupees 10. 3. 10, gives as a result that the present average land assessment of my collectorship amounts to about two-thirteenth parts of the whole produce on crops not rice; and this is the condition of sixty-two parts (deducting rice lands) of the whole produce of the collectorship; and when the estimated twenty parts now waste shall be brought into cultivation, it will be also applicable to them. The above, therefore, may be taken as a calculation which bears reference to seventy-eight parts out of 100 of the whole land of the collectorship.

Value of the Extent of an Acre, and amount of the Produce, on the preceding Data.

100. The value of the produce of an English acre is, on this average calculation, Rupees 12. 2. 43, and the produce about sixty-five pahaleys.

The same in English Money and Measure.

101. The relative proportion of English and Deccan measures being 2⅜ pints to one measured seer, gives the average produce in standard bushels to be

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be 9 bushels and 5 gallons, and the average produce of the best land, according to the computation of the table, viz. about 21 pahaleys to an acre, amount to 18 bushels.

Explanations, &c.

I am sorry I have not time to run over my information respecting garden products. Such inquiries require time and patience, and if they are hurried through, errors may be found in them; but I believe you may depend on the information I have afforded to be precise and little vague in its spirit or tendency, though it may be less perfect than that of the other Collectors, who may have had more time on their hands, and may be less liable to interruption than I am.

Irrigated Kalee Land, produce of.

103. I shall not therefore enter at present on the subject of baghaet produce, but shall conclude this part of my report by informing you that the produce per beega of kalee land watered by courses or wells, is, of crops of wheat as follows:—

First sort of kalee	216 pahaleys.
Second ditto of ditto	168
Third ditto of ditto	158
	$\frac{1}{3}$) 542 or

In English Measures,

pahaleys 180, which average is per English acre 216 pahaleys, or thirty-two (Sic orig.) English standard bushels; and this may be deemed the highest produce of the best kalee land in one crop, in the most favourable year, as ascertained by myself by cutting down fine rich crops, and having them thrashed and separated from the chaff in my own presence. In case of mistakes, I beg to mention that the above-stated produce is the out-turn after the grain is unhusked. The quantity of it, if measured with the husk, is nearly double.* The assesment on the beega yielding this produce, is from four to six rupees, according as it is watered by a course or from a well. I shall remark upon this, however, in a future report.

Memoranda by which Comparison of the Produce may be tried and drawn.

104. It may not be uninteresting and will save the trouble of making the comparison to inform you, that the poorest land in Scotland yields of oats from one bole and a quarter to one bole and a half, or from five to six bushels per English acre; that the average of barley produce per English acre on middling land in Scotland is twenty bushels; that the average of wheat is twenty-four bushels; that in Yorkshire the average produce of oats per acre is fifty-eight bushels; that barley in the midland district of Gloucester yields sometimes sixty bushels, but that the average of this crop there is thirty-four bushels: that in the vale of Gloucester a farmer in 1784 averaged from fifty acres no less than forty-five bushels per acre of wheat, but that this was considered a very superior crop.

Rice Crops and Produce.

105. The experiment I made in rice fields gave these results per beegah:

	Candies.	Maunds.
A good crop	1 ...	$1\frac{1}{2}$
A middling ditto	0 ...	$15\frac{1}{4}$
A very poor ditto	0 ...	$9\frac{1}{4}$
	3) 2	6

Average $15\frac{1}{3}$ maunds.

This is 184 pahaleys. But to reduce it to the other calculations, as the pahaleys of the mawuls contain $3\frac{1}{2}$ not 4 seers, the out-turn in the general measure is only 161 pahaleys per beegah, or 207 pahaleys per English acre: that is $30\frac{2}{3}$ English bushels.

Produce

* This may appear (as my first trial did to myself) erroneous, but it is easily ascertained; it did not occur to me to *weigh* the difference between the grain with and without its chaff.

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Produce is greater probably than what is above stated.

106. I have been informed, however, that it is not unusual for some cultivators to acquire from 25 to 35 maunds per beegah, that is from 45 to 70 bushels per acre, and as there is always a more certain good rice crop from the greater quantity of grain which falls among the hills where it is cultivated, the average produce ought perhaps to be taken one quarter higher than the result of my experiments last year, which was not a very good season from the want of after rain; 20 maunds per beegah, or 37 bushels per acre, may therefore be estimated a fair estimate of the usual produce of rice.

The great and small Grains.

107. It may be useful to inform you that there are eighteen kinds of produce called the mahadon, or best grains, which are specially prized by the natives. They are as follows, and are all of them grown in my collectorship: wheat, rice, toree, satho, jondley, wattaney, sank, harburrey, mussor, hoolghey, moong, teel, kadrove, alsea, jewus, oored, chowlea.

The other products are small grains, and some of them only are grown here: naglee, hurreek, kauthen jevus, mohurria, mukha, ranmoong, dhonglia, pawtey bhadlia, wurya sorty, teel, kurdee, ambaree, bajeery, mutt, rang, serres.

The first eighteen are supposed to have been made by Brimha, when he made the world, and the last eighteen by Wishwamitrya, at the time when he had some intention of turning Creator.

The trim dhan are deo, bhat, drinney, teel woronsh beej, cumal beej, wurreed, burburry, pakur.

These last-mentioned grow spontaneously in tanks and in jungly places, and are never either sown or cultivated.

Dry Measure.

108. The measures of grains in my district are of three kinds. The seer is the same in all, and the weight of one measured seer of the following grains, taking the average of the whole, is one fourteenth of a pound more than 2½ lbs. avoirdupois, *viz.* of bajery, mutt, moong chunna, joary, ooreed, wattana, gwun, mussoor.

Of such a Seer.

4 seers	1 pahaley.		
48 ditto	12 ditto	1 maund.	
960 ditto	240 ditto	20 ditto	1 candy.

The above measure is called the barrooley (or 12 pahaley), and is the prevalent one. It is that which is in use in Poona.

The following measure, *viz.*

4 seers	1 pahaley.		
64 ditto	16 ditto	1 maund.	
1,280 ditto	320 ditto	20 ditto	1 candy.

is termed the soorootey, and is used in the Sandus and Pathus turafs, and to the southward. In the Mawuls the following is the standard:

3½ seers	1 pahaley.		
42 ditto	12 ditto	1 maund.	
840 ditto	240 ditto	20 ditto	1 candy.

The soorooley (or 16 pahaley) measure contains, therefore, 320 seers more, and the Mawul measure 120 seers less than the more general or barooley one per candy.

Land Measure.

109. The following may be taken as the general standard of the land measure.

Five haths and five moothees of five different persons make:

1 katty.			
20 ditto	1 paud.		
400 ditto	20 ditto	1 beegah.	

2,000

2,000 catty .... 100 paud ...... 5 beegahs ... 1 rooka.
48,000 ditto .... 2,400 ditto ...... 120 ditto ...... 24 ditto, { Chowras or tuckas.
96,000 ditto .... 4,800 ditto 240 ditto ...... 48 ditto ...... 2 ditto, 1 pucka.

Six rookasare to one candy.

Seed.

110. The quantity of seed required to sow a beegah of the different sorts of land; is stated to me to be as follows but I beg to remark that I have not been yet able to authenticate in all instances this information by strict inquiry, and I dare say, therefore, it is not quite exact.

	In good Land.	In middling Land.	In poor Land.
Wheat	3	6	10
Rice	36	42	50
Turree	2	2½	3
Sahoo............	8	10	13
Jondley	1	1½	2½
Vuttaney	2	3	3½
Sank	2	3	4
Hurburra	6	7	10
Mussoor..........	6	8	11
Doolghey	1½	2½	4
Moong	5	6	8
Raley............	1	1½	2½
Teel	1	1½	2
Kodroo	1	2	2½
Alsea javus	2	3	4½
Savey	1	1½	2
Ooreed	5	6	7
Chowlea..........	5	6	7
Bajeery	1	1½	2½
Naglee	1	1½	2
Bhooe Moog......	2 mds. weight.		
Ambaree	2	3	4
Mutt and moongea	1½	2	2½
Kurdee	2	2½	2½
Mirkkee	5	6	7
Warree	30	32	40

Practice of the in the Crops grown on Lands of different Qualities.

111. These products may all be raisedin black land, excepting rice.

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The custom in regard to the land is however nearly as follows:

Mullee and Baghaet Land.	Kalee Land, not Mullee.	The poor Land.
Wheat of sorts	Bajarry	Kareely teel.
	Johary	Sawa.
Raley	Mull	Naglee.
Sugar-cane	Gram	Warree.
Radishes	Pooree	Hoolgey.
Sweet potatoes	Wheat of sorts	Bhadee.
Onions	Ambraee	Bajeery.
Yams	Wattana	Mutt.
Ginger	Holgey	....
Peas (wattana)	Hoolgey	....
Indian corn	Moong	....
Kudwul Joary	Raley	...
Chilies	Tobacco	....
Kotumrees	Paweltey, or naad	
Garlic	......	
Pignuts	.....	
Sathoo, or	.....	
Raley	......	
Carrots	......	
Pan-leaves	......	
Tobacco	......	
Rajgheera	.....	

Practice and Classification in the Mawuls.

112. In the Mawuls the following grains are classed under the head "wurkas," and the land on which they are grown is thereby termed "wurkas zumeen."

Naglee, seewa, wurree, badle, pooree, jondla, bajerry, and the following, are ranged under "kathan."

Wheat, gram, mussoor, wattana, wawul, sathoo, and kurdee. The land in which rice is produced is termed "bhoosaur."

Times of Sowing and Reaping.

113. The periods when the seeds are usually sown, and when the crops are reaped, and the proportions estimated, are as follows:

Relative

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Relative Proportions produced.	Names of Productions.	Usual time of Sowing.	Usual time of Reaping.
3/16	Ooreea...............	May and June......	August and September.
1/8	Moong...............	Ditto..........	Ditto.
1/16	Muckhty...............	Ditto..........	Ditto.
3/4	Raley...............	Ditto..........	Ditto.
3/4	Powa...............	Ditto..........	Ditto.
23½	Joary...............	June and July......	October.
5½	Poorey...............	Ditto..........	Ditto.
27½	Bajerry...............	Ditto..........	Ditto.
4	Rice...............	Ditto..........	October and November.
1	Nackney or Nagley......	Ditto..........	Ditto.
1	Teel...............	Ditto..........	September and October.
½	Bhadlee...............	Ditto..........	Ditto.
½	Wurree...............	Ditto..........	Ditto.
1	Bholl moong............	Ditto..........	December.
14	Wheat...............	September and October	February and March.
11½	Grams...............	Ditto..........	Ditto.
½	Wattana...............	October and November	Ditto.
¼	Moussoor...............	Ditto..........	Ditto.
3	Mutt...............	June and July......	November.
3/4	Hoolgey...............	Ditto..........	Ditto.
¼	Sugar-cane...............	June and January...	Twelve months after sowing.
1	Sweet potatoes........	All the year........	In five months.
¼	Onions and garlic........	January and August.	April and December.
1/8	Chillies...............	June and July......	January and February.
1/16	Paun leaves............	July and August....	July and August, recent year.
1/8	Kudwul...............	April and May......	July and August.
1/16	Carrots...............	October and November	January and February.
1/8	Kauttee...............	May and June......	September and October.
1/16	Sohatur or barley........	October and November	February and March.
1/16	Tobacco...............	June...............	November and December.
1½	Chowleea, ambraee, kurdee, pawlee, alsia, cotton, &c. &c.		
100			

Quantity of Agricultural Work that eight Bullocks may perform.

114. A set of eight bullocks is fully capable of effecting the cultivation of thirty-five beegahs of good, bad, and indifferent land; but not more than twenty-five beegahs, if all the land be of the best kind.

Establishment

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Establishment of bands of eight Bullocks, and the Cost of them.

115. Whatever sort of land they have to work upon, he due establishment of attendants is four men, whose expense are as follows:—

90 pahaleys of joary naglee, or other grain, per annum; each man 36 pahaleys, at 5 pahaleys per rupees....................... Rupees	72			
Wages per annum at 20 rupees to 3 men, and 22 to one man	82			
Cloths, *viz.*				
4 goongrees	5			
8 pair of shoes	7			
4 papoorees	7			
4 cholnas, and 8 roomauls.............	4			
4 turbans	7			
Expenses annually of 4 hired men		184	0	0

Other Expenses.

116. Lagwaur (or expenses for dead stock).

Annual.				
3 ropes for the plough.		2	2	0
An ankra for the ditto		1	2	0
Every five Years.				
A phal	1½			
A hullas ..	2½			
Joo	2½			
Shelwuttee	2			
Coolen	2			
Panshays ..	2½			
Panbur.....	3			
Panley	1½			
Sindrees ..	3			
Annual average of	20	4	0	0
Expenses of Cattle.				
Purchase of eight bullocks every ten years at 18 rupees each, on an average is per annum		14	2	0
Feeding* per annum, a few cakes of goor as a treat...		2	0	0
Expenses of Seed.				
Average 3 seers per beegah for 35 beegahs, at 11 seers per rupee		10	2	0
Rupees		219	0	0
Government land assessment on 35 beegahs No. 2, 60		57	3	0
Government taxes and extra pulhees and cesses		6	2	0
Hucks of hucksdars, bullooteys share of produce, &c.		70	0	0
Total expenses............Rupees		353	1	0
Average produce of 35 beegahs, at 54⅜ pahaleys or Rupees 10. 3. 16. per beegah		377	0	58
Amount of overplus for the subsistence and expenses of the family ....Rupees		23	3	58

Deductions

* The feeding of the cattle costs nothing; straw of the grain produced and grass are the only articles of their subsistence. I have not estimated the value of the straw as profit, and therefore have not admitted as a charge its expenditure on the cattle. There is always some pasture-land (gowchurn) free to the .... of the village. (*Sic orig.*)

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Deductions and Additions for actual Saving and Income.

117. To this amount should be added the saving of the wages of as many hands as there may be in the family, and which may render it unnecessary to hire labourers; but their food and clothes will remain the same, and perhaps indeed as members of the family be more expensive. There should also be added any gains by other means, but in as far as my own knowledge goes, there will be very little on this account. There will be a saving, perhaps, in bullocks, as they may be bred in the family or bought for a trifle when young, and reared at little or no expense.

Land of best Quality.

118. Applying the above calculation to land of the best quality, we shall have expenses as before

have expenses as before ....Rupees	219	0	0
Government land assessment on 25 beegahs, at 2 rupees per beegah	50	0	0
Ditto taxes and extra pathees	6	0	0
Hucks of huckdars, ballooties share of produce,* and all other charges	70	0	0
	345	0	0
Average produce of 25 beegahs, 84 pahaleys or rupees 17½ per beegah............	437	2	0
Saving for expenses, &c...............Rupees	92	2	0

Application of what is stated in Paragraph 105.

119. Of the 219 rupees expense we may, on most occasions, suppose that the subsistence and wages of two of the four persons charged for, go to the father and one son of the family.

The wages will be .... Rupees	40	0	0
Suppose in the annual charge for bullocks saved† by rearing	3	2	0
And the dame of the house and three children produce by selling cow-dung, by the sale of a cow's milk or ghee about	30	0	0
There will be ....Rupees	73	2	0
And overplus	23	3	58
In all, Rupees	97	1	58
To subsist the wife and the 3 children of the owner of the land averaged, and of that all of good land, there will be the amount as above of ....Rupees	73	2	0
And............	92	2	0
Or of ....Rupees	166	0	0

Remarks.

120. By this calculation you will perceive that Government now receives all it ought to take from the Ryot, and that the Huckdars and Ballooties among them get more of the produce than Government does; their receipts fluctuating from one-fourth to one-seventh, while as the payments to them are chiefly made in kind, the ocupant of poor land pays on account of them generally

* The produce being much greater, in proportion to the extent of land in rich than poor soils, the receipts by the Ballooty on twenty-five beegahs of good land is nearly the same as on bad; and so also the Government rate of assessment is here stated higher.

† This profit will be very variable from the risk of deaths; but something is, no doubt, saved by an established cultivator, even although he should lose several bullocks before they arrive at the age of ten years.

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generally more of this produce in proportion to its whole amount than the holder of rich land.

The foregoing converted into another Form.

121. These statements turned into the form in your questions, and considering that the father and son substitute two of the hired men, and that the expenses of two men and their hire are to be deducted, are as follows:—

	Average Lands.	Good Lands.
Assuming the gross produce to be	100	100
The Circar's share is	17	13
The Ryot's share is	83	87
Of the Ryot's share these go to fees to village or district officers, and the expenses of cultivation	52	45
For the maintenance of his family estimated at six persons	31	42
Saved	000	000

The detail of the 52 and 45 parts may be divided as follows:

Huckdars, Ballooties, and other village charges and payments	18	16
Expenses of cultivation	34	29
	52	45

Practice in ploughing the Land.

*122. I may remark here that land is ploughed once in three or four years, and this only with respect to kalee land, which requires great labour; of thirty-five beegahs, therefore, there is not perhaps above eight ploughed up fresh every year. The lands ploughed are harrowed, and the poorer lands are only ploughed when bajerry is to be the crop raised. The operation of harrowing, however, is attended with considerable labour to the bullocks, since land to be well harrowed requires to be four times gone over, each time in an opposite direction in order to destroy the roots of weeds and grass, and to ensure a healthy clean crop.

Baghaet Produce.

123. For the reasons I have already given, I shall not attempt at present to shew the result of Baghaet agriculture.

Rice Crops.

124. With respect to the rice country, as I can speak with more certainty, I shall communicate, at no distant period, what I consider to be an accurate statement of its agricultural profits and assessment.

Number of Bullocks to a Plough.

125. In it only two bullocks are required for one plough. A man and his family live miserably upon what the labour of a pair of bullocks leaves to them, after paying all charges and occasional hire of labourers.

Practices in cultivating Rice.

126. A pair of bullocks and one plough can prepare five beegas of rice land, or as much as three maunds of seed will sow. They also can attend to two beegas of nactinee and seewa crop. The expenses of rice cultivation are increased when the rice is transplanted, which is the most approved and most profitable mode of raising it, and is the practice in this collectorship. It takes fifty men to transplant in one day the young plants of one maund of seed. That is 150 men for one day for five beegas. The payment of labourers thus called in is one pahaley of rice and a cake of some other grain for working from sunrise to sun-set. It is necessary to state how the operation of transplanting is performed; but the labour is no doubt tedious from its being necessary to fix the plants on the earth instead of throwing them, as those of warree and nachnee are, at random, and left at their own hardihood to introduce their roots; in fact the difference of the labour from this circumstance is quite apparent, ten men covering in one day with these other grains as much land as 150 men do with the

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the rice shoots. A man and his wife can cut down in eight or ten days the produce of five beegahs: there is, however, an expense attendant on bringing it from the fields and stacking it, since this should be done before the grain dries too much. Sixteen men, or more if the field be at a great distance, are usually hired therefore to bring the sheaves home, these receive one pahaley of rice for the day's labour, and no bread.

Nachnee and Warree Crops.

127. It is necessary to hire people to aid in reaping the nachnee and warree of two beegas. It takes the man and his wife and two others, eight days' hard work to cut down these stiff-stalked grains. These get a pahaley of rice. The stacking of these crops also is attended with expenses, since it is advisable to do so as soon after they are cut down as possible, and also not to carry them home at any time, but in the morning when they are wet with dew, the truks then retaining the seeds, which the parching heat of the sun by contrasting and opening them occasions them to lose. Should seewar be sown and not warree or nachnee in the two beegas, it is necessary to weed the field once, when the grain is about a foot high; but this is done by the good-will of the villagers for each other, at no other expense than such cheer as the owners of the field may choose to regale the weeders with. The operation being requisite in the middle of the rains, the weeders are generally remunerated with as much spirits as they can drink, since if it rains they go to work naked, and it is rather a laborious task to enliven and encourage them, during which they have a drummer behind who beats incessantly, except when at intervals he stimulates their exertions by exclaiming " balley lere dada," balley bhaee dada.

Expenses of this Cultivation not stated at present.

128. The expenses of this cultivation I shall shew in some future report. The assessment being so high that the people can hardly subsist, it is my intention to recommend the abolition of several pathees, which it will require time and a considerable detail to explain.

Apology.

129. I shall now proceed to answer the first of your questions, which have not been noticed in the preceding paragraphs or in my reports of the 1st of May 1820 and the 9th of March 1818. I am afraid the want of order in the replies with reference to your queries may not be desirable; but the several subjects with reference to former letters will perhaps be found to be best discussed in the arrangement in which they presented themselves to my mind, so that the disadvantages and trouble of reference will be perhaps counterbalanced; but I nevertheless beg to apologize for the liberty I have taken in thus arranging the questions.

Register of Transfers and Officers of Registry.

130. There never was a general register kept of transfers of meeras lands that I have heard of, nor any record whatever of such transactions, except such as may be found in the Koolkurnee's accounts. No such thing was perhaps ever fancied as a general register or record-office for transfers of any kind, or for judicial decisions.

Hucks on Meeras Land when payable.

131. Meeras land pays no hucks or fees, excepting when in cultivation.

Prevalence of Meeras Tenure.

132. The meeras tenure may be said to have existed in all villages in this collectorship. There are not many in which it does not now exist, perhaps not above thirty, and these do not form any connected tract: they are those villages that have never recovered from great calamities.

Moochulkas and Puthas, to whom granted, and how.

133. Moochulkas will in future be exchanged with each Meerassadar and Ooprее cultivating entirely ghutcool land. Hitherto Ooprees cultivating meeras land, although not entirely ghutcool, have obtained puthas as well as the others. These specify the village or cowlee, or ockhty rate of assessment, and the quantity of land the Ryot has. I am not aware of any necessity there exists to prevent Ooprees from throwing up land assessed at the chalee dir, or rate of Meerassadars. The local officers make much ado about granting cowls, and

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and cheat both Government and the Ooprec. If Meerassadars are alluded to in the forty-seventh question, they will strain every nerve to gain possession of their land, and never think of permanently quitting it or giving it up. I am not aware of the origin of the word *chalee:* it is applied here to the rate of swaslee or soostee land, and even to the land itself. I think it means "usual, customary." Nor am I informed of the origin of the words *swastee*, or *soostee* and *ockhty*. The latter means a fixed rent, as applied here; but this is better explained in the description of land tenures.

Land reserved by Government, &c.

134. Waste land was reserved by the former Government for cooruns, or grass land. Very little waste land has been brought under cultivation since the accession of our Government, owing to the epedemic and the want of capital. No ruined villages have been re-established.

Privileged Persons.

135. In twelve or fourteen villages only of Powar Khorey are there any Brahmins who do not pay the full assessment. This privilege, however, appears to have been acquired because they were rich and respectable, and not from their being poor.

Huwala.

136. Ryots formerly used to pay their assessment, and still in general do so, by a huwala on a village grain-seller, who, before the crop is off the ground, concludes a bargain for it, and pays the instalments, on order, to the Moccuddum. The Ryot probably lost very little or nothing formerly by exchange in this transaction; but he used to be taken in, and is so still, by selling the grain at too low a rate, in consequence of the backwardness of the grain-dealer to become his banker, unless under favourable terms. I do not demand my first instalment till the kurreef crop is well in, and there is therefore an improvement in favour of the Ryot in this respect.

Rates of Interest.

137. The usual rate of interest is twelve per cent.; in the Mawul it is twenty and twenty-four per cent.; a pice per rupee a month, that is, three annas per sixteen annas in the year, is an usual rate. When the interest is paid in grain, the usual rate is a seer per rupee per month, or seventy-five per cent. If grain is borrowed for seed, the date is cancelled by the repayment of double the quantity, any time within a year, if for consumption one-quarter to three-quarters more is paid in return.

Pothey Chat and Bazar Butta.

138. The former Government took two per cent. on the collections, to make them up to the mullarshay currency, or pothey chat. The last Peishwa took bazar butta besides the pothey chat, so as to equalize the inferior coins with the ankooshee standard. The bazar butta fluctuated according to the pleasure of the Mamlutdar. It is now fixed according to the following scale, which is framed with reference to the intrinsic value of the coins.

	Per 100 Nurmul Chappy Ankoosee Rupees.
Muddum Chappy, Ankoosee Rupees	$100\frac{1}{2}$
Nurrun Chappy ditto	$101\frac{1}{4}$
Bhattooree Rupees	$103\frac{1}{4}$
Colaba ditto	$106\frac{1}{4}$
Phoolsharee ditto	$101\frac{1}{4}$
Ballapooree ditto	$106\frac{1}{4}$
Timboornee ditto	$106\frac{1}{4}$
Waee sicca ditto	$105\frac{1}{4}$
Meritch ditto	108

Proportion of Coins in Circulation.

139. The proportion of coins in circulation is as follows:

	Prevalent Currency.	
1st. Ankoosee rupees, or nirmul and korah, or rupee just from the mint, or very recently issued	29	
Muddum Chappy	$7\frac{5}{9}$	
Nurrun Chappy	49	
		$85\frac{5}{9}$

2d.

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2d. Batorey rupees	$7\frac{1}{9}$
3d. Bellapoorey ditto	$5\frac{3}{9}$
4th. Hallee sicca ditto	$1\frac{1}{4}$
5th. Phora Chandore ditto	
6th. Shree sicca ditto	
7th. Jerry putka ditto	
8th. Waupgaum ditto	$\frac{1}{9}$
9th. Phoolsheer ditto	$\frac{1}{9}$
	100

Combination of Shroffs to depreciate the Currency.

140. I am not sufficiently informed to reply to the 84th question at present; but I should think it very likely that Shroffs would combine to depreciate the currency.

Profit and Loss on Exchange.

141. The balance of profit in exchange on account of cash received as revenue, from 1st May 1820 to 1st May 1821, was Rupees 10,159. 0. 5.

Reason.

142. This arises from the payment of establishments and details without giving the per-centage taken on receipts. On large sums paid to the paymaster and others the same rate is allowed as is received.

Payment of the Revenue, how conducted and acknowledged.

143. The coins paid by the Ryots are sent to the treasury, with lists made by the Mamlutdars, attested by the Sheristadars, in sealed bags. Receipts are granted by each person through whose hands the money passes to him from whom he receives it, and by myself to the Mamlutdar, in the enclosed form; copies of each of my receipts are kept in the hoozoor. There is an excellent check in the puthas given to the Ryots against all exactions beyond the amount therein specified, whether for gaum khurch or any thing else.

Gaum Khurch.

144. In reply to the 92d question I have to observe, that since the kumal settlement the gaum khurch appears in the public account between Government and the village; but besides those shewn in the accounts there were other exactions made, some of which were paid to the Mamludars, a untust, and in the way of bribes, and others were kept by the Mocuddums and Koolkurnees for their own use. I limited the gaum khurch to the expenses of Dewastans, Wurshasuns, and other established expenses, which I was certain did not go into the Potail's pocket; and I feel assured that even the people, who alone benefit by this measure,* would rather I had not been so strict. The Mocuddum gives no holiday feasts now as formerly, and I attribute this to their not having the means, which is really true; I have therefore, in 1230, allowed a little sum for dussara buckra and other festivals, and shall increase it, if you do not forbid me, still a little more. The gaum khurch (it is impossible to say what may have been the highest, actually,) I have met with under the old Government, exclusive of Huckdars that are cognizable by Government and introduced into its account with the village, are twenty per cent., and the lowest six per cent.; at present the average is four and a half per cent.

Fees and Perquisites of the Mocuddums.

145. The fees and perquisites of the Mocuddums, as head of the corporation, of which no account is received by Government, vary in different villages. In most villages Meerassadars pay no goozree, and in some they do. The holders on this tenure are also generally excused from most of the complimentary offerings payable by Ooprees. I draw a distinction between the fees or hucks noticed in the account of Government with the village, and those which are conceded by the people and paid as the Mocuddum's right, without the interference of the Government agency. There may be little or no oppression on the part of the Mocuddum in realizing these fees and perquisites, for I have

* See the 149th paragraph.

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have never heard one complaint of such a nature. It may be inferred, that the Mocuddum is restrained by the known usage of his particular village, and by the conviction that if he attempted to take more (under our Government), he would run the risk of having the whole village against him. It will be an object, however, to ascertain whether he may not have induced the villagers to pay greater contributions on pretence of my having cut his gains in gaum khurch. The goozree is variable, but it may be stated to be equal to about seven per cent. of the assessment, which average is divided here, according to the custom of particular villages, between the Potail, Mocuddum, Koolkurnee, and Chowgulla.

Institutions abolished or obliterated.

146. It will be seen in the preceding part of this report what institutions have been abolished or obliterated, and what modifications have been made. It is therefore only further necessary to say here, in reference to the 96th question, that the practice of begar has been abolished; and that if the operation of the ryotwar settlement is not well looked after, that system may tend, I think, to trench on the rights of the great mass of the people, in as far as their property in their lands is concerned.

Bullootees and Allootees.

147. Descriptions of the Barra Bullooteys and the Barra Allooteys, are to be found in the reports of Collectors and Residents from Delhi to Mysore; to be able to say any thing new about them, since they appear to be the same every where, is perhaps not to be expected. Those of them that are found in my district, I enumerated in my report dated the 9th of March 1818. The carpenter makes the wood-work, the blacksmith the iron-work, the currier the shoes and water-bags; the Mhar does every thing, and is of no profession in particular; runs on errands, keeps a current account in his own hand of the distribution of the lands of the village, preserves particulars of the battles about the village boundary for four or five generations, and is the oracle who decides by his evidence such disputes. There is a barber to shave, a washerman to wash, a Jossee to cast up nativities, a reverend Mahomedan to pray, &c. These are all paid by part of the produce, and their payment in this shape is baneful to the industry of the country, and as harassing to the people as the payment of tithes in kind in England; it is indeed worse, because it is not so well defined in extent. It is impossible for me to give you at present a just idea of how these exactions bear upon the Ryot, nor how much they actually are: whole families are supported by them; and I am inclined to think, as far as I yet see, that they are the heaviest drawback to improvement the Ryots of the collectorship are saddled with. I shall therefore say nothing here on this subject, but reserve it for discussion at a further period, when I shall have better examined into it; I shall then also take a view of the other burdens on the Ryots, on account of Mocuddums, Koolcurnees, &c. &c. In the mean time, as a good specimen of what a Mocuddum's office is worth, I enclose a translation of the rights of the Mocuddums of Walley in my district.

Relief from duty of Village Officers.

148. In reply to the 104th query, I beg to observe that the village officers are relieved of a good deal of duty they would rather have continued to perform, by the operation of the ryotwar and pulta system, so that I suppose their duties now are less onerous.

Daismooks and Daispandees.

149. The offices of Daismooks, Daispandees, &c. are hereditary and saleable. These officers were never set aside except when Government sequestrated the offices as part of the heritable rights of individuals for any offence against the state, &c. Such officers seem to have stood between the heads of villages and Government officers. They may have been Government servants or Collectors themselves formerly, but there is no trace that I can discover that they ever were so of *right;* Government sometimes appointed them in lieu of Mamlutdars, but such agency was definite, and seldom lasted long. They perform no duty at present beyond sitting in the cutcherry, and acting as umpires between it and Mocuddums in the making of a mozewar jummabundy. They seem to moderate the demands of my cutcherry, and to influence the Potails in the admission of rightful demands, and as far as I can judge, I think their

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their services in this way are very beneficial to the interests of the people; they are their representatives, and there is great need indeed that the people should have honest persons of this description. How far they are honest, however, is very questionable, and it is presumable they would not demand a very high reward for betraying the confidence reposed in them. The mass of the people look up to them with respect. The Daismooks are the greatest men of their own caste. Even Mahratta princes, such as the Rajahs of Sattara, Scindia, Holkar, and even Bajee Rao* himself, are, or were ambitious of acquiring the distinction and local power which the office of Daismook confers, while those who held the office profess the charm of being descended from men who have been looked up to by the ancestors of the people with respect. And this is not an imaginary charm in the Deccan, for whatever is inherited from ancestry is highly prized, and I believe the feeling of respect for an old family is as great here as it is found among ourselves, making allowance for the want of records of the deeds of other times, and adding many fictions to adorn the adventures of more recent heroes. There is no trace of Daismooks and Daispandees being subject to feudal services, but if they chose to go to the wars they were much made of by the sovereign, and had good pay and large establishments. I have observed no diminution of respect to them since our Government was established. Their hucks being exactions from villages over and above the kumal assessment,† I tried in 1227, to discover how much they of themselves could realize by the voluntary payments of the Ryots themselves, for as the amount of their hucks exhibited in the mozewar settlements of old times (and which they claimed) appeared to me to be very large, I thought it probable that as the entry of them as deductions from the dues of Government at all was a deception, so might the amount also be false, in order to make up the particular sum intended to be deducted. But my wish in thus ascertaining the real dues of these men was frustrated; the season was not a good one, and the Huckdars no doubt suspected what I wished to discover, and pretended they could not that year realize by their own power what they had been in the habit of taking all along themselves. One Mamlutdar also, contrary to my positive orders, but perhaps to meet the pleasure of my Madras Dufterdars, who set his face from the first against my experiment, placed and realized without my knowledge an extra puttee in the villages for the highest hucks the Huckdars claimed. The method I had adopted in endeavouring to ascertain this point, in 1229 fusly, having been totally disapproved of by you, I did not continue the experiment; and the hucks of the past year, 1230, were therefore determined by my cutcherry on the best information it could obtain: but that was of so inferior a description, that I am fully satisfied in my own mind it has been imposed upon in many instances. I, however, directed that the amount both of the hucks and of gaum khurch should be added to the aeen zeimma, in order to meet the real usage in respect of these payments, so that the amount of hucks, of whatever consequence it may be to the people, is of none to the Government, since, in order to defray it, it is realized from the people over and above the dues of Government: a principle I was not aware of in 1228; and in consequence of not attending to it, in which year, the villagers look on my more recently acquired knowledge, and on my last year's settlement, with discontent. The Huckdars used to keep an open account, sometimes eight or nine years in arrears with the villages, and did not settle regularly every year for the amount to be paid to them. The per-centage of the hucks of last year is Rupees 4. 3. 33 on the jummabundy. The Huckdars realize their other perquisites and payment in kind as usual. I think they are an useful class of men, if precluded from the power which any Government agency in their hands would enable them to exercise.

Influence of Gooroos and Priests.

150. The influence of Gooroos and priests has been left exactly as we found it.

Control

* The Peishwa holds several Daismooks' wuttuns by purchase in the Southern Concan.

† See Appendix W and X for an exemplification of a Mamlutdar's exactions, and the accounts made up for the use of the huzzoor. I beg to mention here that the dufter under your charge contains actual accounts by which the real truth in this respect can be well ascertained, and to which I refer you for further information. See also the notes of Appendix R and V.

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Control; Formality.

151. In answer to the one hundred and nineteenth and one hundred and twentieth questions I have to observe, that I think there is certainly more efficiency of control; that is, our control is more wholesome and regular than that of the preceding Government, which was despotic, and even in its best times irregular. There is more formality and uniformity of action at present than formerly. Formality (most useful if adapted to existing institutions) is the offspring of the Ryotwar system. I am not aware of the scope of the question about decision; I endeavour to decide on what is best, and when I have done this, I insist on the performance as far as is proper.

Arbitrary and discretional Powers of Government.

152. In reply to the one hundred and twenty-first question, I beg to say I do not think we are so arbitrary or discretional, for we are certainly not so despotic; but we are more summary, and require what is once decided to be the best to be done, to be executed without much demur.

Puggaga when not sometimes permitted.

153. The one hundred and twenty-second question would appear to relate to judicial matters. There is no innovation in civil business beyond sometimes confining a debtor instead of allowing of puggaga, but this is often left to the option of the creditor.

Puggye, Tuccavee, or Advance for Cultivation.

154. It was customary in the better times of the former Government to give puggye or tuccavee, but the Ryot was charged with the interest at the rate of one per cent. per month; security was taken for re-payment. The Mocuddum generally stood security, but sometimes also village grain-dealers, or other Meerassee Ryots, for instance, were accepted. We give much more puggye than the old Government, because as no interest is taken by us, those who dreaded to borrow on account of it now come forward. The Mocuddum stands security for re-payment, and very probably (though I have not found it out) he takes a douceur from the Ryot who receives it. It would not, however, be proper to risk the money of Government without some security, unless to a poor Meerassadar who had been reduced to poverty by other causes than mismanagement of his means or dissipated habits. The amount of puggye in the pergunnah of Phabool, where most has been given, was in 1230, for fifty villages in which 3,187 pottahs were exchanged to 3,187 Ryots or their proxies, Rupees 3,625, divided among 260 persons in twenty-six villages; and in 1231 (the current year) to 274 Ryots in twelve villages, Rupees 2,442. The last year's puggye was realized in that year, and the quantum of disability is much less this year; while the revenues, in consequence chiefly of the puggye granted and the new cultivation resulting from it, were increased about eighteen per cent. in that pergunnah.

Highest and lowest Assessment on Land.

155. The highest assessment of a beega of land, under the denomination of kalee chee akar, or land assessment, is on jerayet land not producing rice crops, Rupees 3¾, and the lowest two annas; the highest on baghaet is Rupees 15, and the lowest one rupee, according to the soil and the produce.

Advantages of Meerassadars in comparison with Ooprees or Tenants at will.

156. To give a direct, or what would be termed a satisfactory reply to the thirty-seventh question, would require me to know more than I yet do respecting the interior economy of the village. It is an undoubted fact, however, that the meeras property in land is prized, and that blood is spilt not unfrequently in quarrelling for it. I should therefore think there are positive advantages from the possession of land by the meeras tenure. These advantages are, perhaps, that if a Meerassadar by any capital or good husbandry should improve his estate and obtain flourishing crops, he retains a certain assurance that his labours and expense will turn to his own profit, for he cannot be ousted nor over-assessed except by oppression; whereas an Ooprce has no such prospect: any extra labour and expense which he may bestow on his land will go for nothing, if the Potail Mocuddum should quarrel with him. A tenant at will also generally injures the land, at least he does not care about it;

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he will sow wasting crops on it successively, and there is only the Mocuddum's interest in obtaining half the crop, which I think he did, that is any check to his reducing its power very much. This serious mischief, which arises from the occupation of land by tenants at will, does not seem to have yet received in India much consideration; but it is no doubt one that deserves great attention: and it is owing to a want of some arrangement in this respect, calculated to guard the lands from exhaustion, both that the land held by tenants having no permanent interest in them are so unproductive, and that the Meerassadar is so much better off than the Oopree. But this is too interesting a subject to be discussed hastily, and I shall, after more minute inquiries, probably arrive at the cause of the indubitable fact, that a Meerassadar is better off than an Oopree or Sookharvustee. The other advantages are stated to me to be that a Meerassadar is more highly respected than a Sookavustee or Oopree; that he positively has a higher moral character; that his being a phurkurree is a consideration which influences his fortune in other lines of life; that a man who has a meeras wuttun or is descended of a Meerassadar will be trusted by his master in the most confidential matters, while a Koonbee not a Meerassadar is not so trusted; that there is pride in a Meerassadar to behave himself well, and strange as it may appear in such bare-backed gentry, not to disgrace his family; that from his fidelity he gets better pay or is better fed, clothed, and respected as a servant in any great man's employ than if he were not a Meerassadar; that he always obtains a wife in a regular way, which you are perhaps aware is the opinion of all classes of Hindoos, a most respectable and indispensable condition to any respectable man whatever, since Hindoos prize very lightly those of their caste who are not married, and the bachelor feels in himself a kind of baseness of condition that makes him comport himself lowly to others, because he is of no account in his own estimation. We ought to judge of the advantage of acquiring a wife, therefore, in a legal way, with the feelings of those to whom the question relates present to our minds; and doing so, it is my belief that this is a high advantage enjoyed by Meerassadars over Ooprees, and proves also that there must be something connected with the tenure positively beneficial which places them in this enviable situation. A Mamlutdar's vanity is gratified by having, if he requires it, his name recorded in deeds of sale on transfers of land and houses; and on these occasions he receives a trifling present from the purchaser, an indifferent turban, or a rupee or two to buy one, unless indeed the buyer commutes for this tribute of respect by giving a public dinner to the whole of the Meerassadars and Bullotees. The relative situations of Meerassadars and expenses may be summed up by stating that it is a common expression to use to the latter when the former may be disputing with them, and that they are obliged to put up with the taunt "coontry avereel kowla," you crow upon a stick; that is you who are true for an instant, and are just on the wing: such a scoff, and the common use of it by Meerassadars among themselves, when speaking of Ooprees or Sookwastees, sufficiently indicates both their own pride, and that there does exist a warmly-felt difference in their condition.

Number of Ooprees and Meerassadars.

157. As a reply to the 43d question the following statement, which shews the number of persons who pay revenue direct to Government in villages managed by Government, is submitted.

MEHAULS.	Ooprees.	Meerassadars.	TOTAL.	Relative Proportions.	
				Ooprees.	Meerassadars.
Bheen thurry........	1,185	1,104	2,289	as 10 to	9 nearly
Poona kusba........	9	115	124	.. 1 ..	13 ..
Indapoor..........	2,509	810	3,319	.. 3 ..	1 ..
Pabool	683	2,504	3,187	.. 1 ..	4 ..
Thair	1,805	3,073	4,878	.. 3 ..	5 ..
Poorandhur	1,431	2,160	3,591	.. 2 ..	3 ..
Havaily	588	2,656	3,244	.. 1 ..	5 ..
Mawuls	1,829 estimated.	2,676 estimated.	4,505 actual.	.. 7 ..	10 ..
Sewneer............	869	4,600	5,469	.. 1 ..	5 ..
Total	10,908	19,698	30,606	1	2

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158. You will observe that I have only estimated the number of Ooprees and Meerassadars in the pergunnah of Sewneer. This arises from Captain Pottinger having made no distinction between them in former years, and from my not yet having obtained the detailed returns of the puttees from the mehal of Pownere for last year. The estimate is, however, I should think, near the truth, from the meeras tenure being in that district as prevalent as in any of the other divisions that have most Meerassadars. The number of ryotwar puttees is the total number of Meerassadars and Ooprees shewn in the above table, *viz.* 30,606.

Waste and cultivated Land from Account of Villages.

159. I have been endeavouring to discover from the accounts the proportion of waste to cultivated land, to answer the last part of the 5th question, during the writing of this report; but I must conclude it without stating this information. There are so many different names for, and such a variety of proportions of the land measure, that each village requires its proportion of cultivated and waste land to be ascertained under the designation and quantity of the measure peculiar to it, and then all these proportions in different fractions added up. My Dufturdars are so pressed to furnish other details, that I find it is in vain to expect an answer from them at present.

Sirdaismooks.

160. The sirdaismooks is in one district (Soopa) eight per cent. over and above the tunkha, and in all the rest of the pergunnahs it is ten per cent. more than that rental. I am not certain whether the sirdaismookhee after the settlement of the kumal was a deduction from the kumal with reference to its amount on the tunkha, or whether it was made a deduction from the kumal at the same rate with reference to the kumal, as that by which it increased the tunkha If the first mode was practised, the sirdaismook in the Janeer Pranth would, after the kumal settlement, have been only about five per cent. of the kumal rental; for the kumal of that district is nearly double its tunkha, and if the last was the mode in use, which I think highly probable, its meaning may be considered to be as below stated. There is no doubt whatever, I think, that this impost was over and above the tunkha Government kumal.

Revenue	Rupees	100
Deduct Daismookhees		10
Remains to Government		90

which was divided into two equal parts, mogulaee, 45, each of which was subdivided as follows:

Mogulaee.

The mogulaee (or the share left to the Moguls) into jagheer, three quarters of the whole mogulaee, and foujdarry one quarter generally; but although sometimes the shares were sometimes more or less, they may be stated as above, or at jagheer .... Rupees 33¾
Foujdarry 11¼

Total .... Rupees 45

The Swaraj, or Mahratta Chowth.

The swaraj, or the share of the Mahratta, was divided into bab-

tee	¾	or	Rupees	33¾
and mokassa	¼	or		11¼
Total			Rupees	45

The proportions were also variable with respect to each other, and were rendered more so by the assignment out of them of new umuls; such in some places, the sahootra, or six per cent. to the punt suchen, five per cent. to the sirbeskur in others, under the name of neein chowthaee, &c. The sewraj was also called the chowth. In deeds of transfer and record, however, the sewraj seems to be the legal term; thus, "sewraj mogulaee, don turfa dehheel."

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The Babtee. The Mokassa.

161. The babtee was the Rajah's share. The mokassa appears to have been invented to assign away conveniently to whom he might please that portion of his babtee rights. The Punt Suchen, being a great man, had perhaps the umul he was favoured with given under a distinct name, on account of his rank; and as it was less than the mokassa, he acquired a more extended power than if he had got the same amount in mokassa from fewer villages.

Wuttun.

162. The word wuttun seems to be used here to mean the fruits of an hereditary office, or the office itself as yielding certain advantages. It is also sometimes applied to the meeras tenure of Thulkurries; but when so used, it seems to be only confirmatory of the meaning of the word meeras: thus, "wuttun "meeras." I enclose a specimen of what is called a wuttun puttur. On the whole, I think the general acceptation of the word wuttun in my district may be correctly said to be confined to hereditary office holders, such as Mocuddums, Koolkurnees, Shettees, Daishmooks, Daispandees, &c. Meeras seems to be exclusively applicable to the hereditary possession of land; I never have heard or read of its being used in any other sense. In explaining the meaning of terms, attention should be paid to their acceptation by the people who use them; and we should then reason upwards, from our knowledge of what they describe, rather than downwards, from the real and original signification of the term.

Ezaput Grants.

163. Ezaput villages would appear to have been given to Daismooks and Daispandees, either as a part of salary, or as a permanent increase to it for important services. I enclose the translation and copies of some deeds, granting in enam, villages, which the Daismook in talking of them called ezaput villages. One of these, Paushaun, was attached by Government many years ago; the other is still possessed by the Daismook, and he calls it, and I believe it is rendered in the Mahratta dufter, an ezaput village. It would appear therefore, that ezaput is a particular title applicable to the enam villages of Daismooks and Daispandees. It may be unnecessary to state the original signification of this. (*Sic orig.*) If it be .... it means an "addition an adjunct" (of office).

Security for the Payment of the Revenue.

164. As far as my inquiries go, I am inclined to think the Mahratta Government took no security from the Moccudums or villagers for the realization of the revenue. If the 59th question relates to Mamlutdars, those who before the last Peishwa's rule were not farmers of provinces or districts, gave no security, but those who in late times contracted gave security. I take no kind of security whatever, and I believe my revenues are realized as early as those of most other Collectors.

Apology.

165. It will, I trust, be apparent from the information communicated in the preceding paragraphs, how far I can, or ought to answer directly, the 101st, 102d, and 103d questions. I have stated some data and information on which rules may be made, but how many more or what rules are wanting, or undiscovered, it would be presumption in me to attempt to shew; for notwithstanding all I have above written, I consider myself only to have been as yet feeling my way. When I see quite clearly before me, I shall not fail to answer these questions as well as I shall then be able.

Koolkurnees' Accounts.

166. I submit a set of Koolkurnees' accounts. They consist of 1st, A zumeen ihara, or account of the extent of thuls and shets, and of their holders. 2d, Lownee putruck or lagwun, which shews the full assessment of government on individuals for the year, without specifying the extent of land, or any other information, than the names and the whole amount to be paid by individuals. The lownee putruck is called koolgunnee, when it exhibits in detail the items of assessment which form the whole amount. 3d, Tehseel almost exactly corresponds to a day-book; it shews the daily receipts of revenue from inhabitants. 4th, Bole khut is a debit and credit account, exhibiting on the one hand the receipts

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receipts from each individual, and on the other the manner in which they have been disposed of. 5th, Jhertee appears to be nearly the same in respect of the whole village, as bote khut to individuals; it is framed at the end of the year, and partakes more of the general nature of a ledger than of the detailed current account. 6th, Moturfa cheyaud is a statement of dues payable by individuals on account of house taxes, &c. These I believe are all the general accounts. There are other yandees or memorandums relating to particular individuals, such as registers of cowls, &c. which do not seem to require notice.

Mohturfa.

167. Connected with the land assessment is that which the Mahrattas denominated seare jumma; under this head the taxes included in mohturfa were brought to account. The realization, which in villages are termed mohturfa, are in towns and cities designated *ghur puttee* and *oodeem puttee*, or taxes on houses and trades. In large villages, and in what are termed peits and kusbas, (*Sic orig.*) or market towns, there are shetheas who seem to perform in regard under them (chiefly bunyas and traders) the same offices, and to hold among them the same rank as Potail Mocuddums in relation to agriculturist; and the lower classes in the same way have a Meturee or a Mocuddum. These head men distribute the assessment of Government on the members of their caste or trade, according to their knowledge of their circumstances, and with the concurrence of the individuals themselves in full assembly. The house tax however is uniform, excepting on newly arrived shopkeepers, who are required to pay less, in order to compensate in some degree to them for the charges incidental to a new settlement or change of abode. The assessment of Government is regulated by a reference to what it has been customary to collect. New imposts are always resisted with great pertinacity and clamour, and unless the agent of Government can snpport his demands by documents of previous years, he has great trouble in making his assessment. But I confess I am not yet sufficiently informed regarding the intricacies of this source of revenue, to venture any decided opinions respecting it; nor do I wish it to be understood that what I have just stated to be the practice is invariably adhered to.

Taxes, &c. in the City of Poona.

168. As a branch of the subject of mohturfa, and as a reply to the 7th, 8th, 9th, 10th, 11th, 12th, and 13th questions under that head, the enclosures which I submit, exhibiting the detail of and the practice observed in the assessment of traders, manufacturers, artizans, &c. of Poona, may prove satisfactoy.

The Sahookar.

169. The Sahookars or money lenders and bankers of Poona have suffered more than any other class of our new subjects by the late change of Government. The extensive dealings occasioned by the improvident habits of commanders of troops, and the farming system and all its ramifications and dealings, commencing with the Government itself and descending as low as the most wretched Oopree and green-grocer, proved a means of support to this class of traders, which is now almost shut up. The present general stagnation of trade and of money all over India has affected the interests of the bankers of Poona as well as those of other places. Next to the bankers, the dealers in the finer cloths have suffered much by the change of Government. The falling off in the business of this class, and of the weavers of these cloths, may be best appreciated by the return of looms which I enclose.

Abkaree.

170. I now proceed to reply to the questions regarding abkaree, the revenue derived from which source is not above 1,400 rupees a year, in consequence of there being few stills permitted, and only six new shops at the tops of ghauts and on high roads. At places where spirits were formerly allowed to be sold,* I have not abolished the shops: the number of shops is limited to twenty-four or twenty-five. During the Peishwa's Government there were two stills in Poona, under the

* Places where liquor was formerly sold: at Kundala, Wurward, Wurgaum, Jeejuree, Sherrey, Kodanpoor, Wotur, Junere; at eight villages of Indapoor, Phoolgaum, Thair, Cowta. New shops at Carlee, Powar, Rahoo, Sapore, Poonowlee, and Wurwund.

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the control and superintendance of the officers of Government. The liquor made in these stills was stored by Government in the topkana, and issued to such persons as obtained a certificate, to procure which they were obliged to prove the sickness of a horse or of themselves or relations, or any other reason that would be considered sufficient to require liquor. There are no such licenses granted as are contemplated in the 8th, 9th, and 10th questions, under the head of Abkaree.

Customs.

171. In reply to the questions regarding customs, I do myself the honour to submit a list of the stations, and the amount of customs realized at each. A memorandum drawn up by Mr. Lumsden, and submitted to you in my letter dated the 23d of October 1819, is explanatory of the particular trade of the Summans, &c. I beg to lay before you an account of the imports of foreign manufactures in 1229 fusly into Poona.

172. The customs having been farmed out, as they were wont to be by the Peishwa's Government, I have not acquired a sufficient knowledge of their detail, and of the hucks of Huckdars, to answer your questions satisfactorily. In regard also to the comparative excellence of the systems of keeping the customs aumanee, or of farming them out, I beg you will excuse my not offering any decided opinion, since I have had but little experience of the aumanee system, and cannot therefore venture to judge of its advantages or otherwise; but in as far as general notions and general observations have enabled me to form any opinion at all, I am inclined to think the farming system will be found to possess the greatest number of advantages.

Domestic Slavery.

173. Slavery in these districts is entirely domestic; a person becomes a slave who is sold in infancy by his parents, or who is kidnapped by lummans and thieves. There are not many slaves here who know their connections, or who are related to the people of the surrounding country; those kidnapped in distant provinces being brought here for sale, and those stolen or sold by their parents here, owing to famine, being carried off to other countries. A man becomes a slave to his creditor when he cannot pay his debt; but unless the debtor is a Coonbee, and the creditor a Brahmin, this law is not often enforced. Indeed, the feelings of the community may be said to have nearly rendered it a dead letter, for only three instances have come within my knowledge where creditors have chosen to make their debtors slaves. These instances occurred in Bajee Rao's reign, and the debtors still remain the bondsmen of their creditors. The number of debtors in Poona who cannot discharge obligations is very considerable; and it is highly creditable to their creditors, many of whom hardly know how to support themselves, that I have never been solicited to allow them to make their debtors their slaves. Slaves are treated with great kindness, and it seems to be the sense of the people that no one ought to be cruel towards them. I have even found myself borne out by this feeling, and by the opinion of the Hindoo law-officer, in emancipating several slaves whose masters had beaten them severely, or obliged them, as is sometimes the case, to perform labour exceeding their natural powers. Those of the Coonbee and Dhungur castes are most frequently reduced to slavery.

174. Male slaves are not unfrequently emancipated by their masters when they grow up to manhood, but females seldom receive their liberty at any period, and I fear it would not be a popular measure to make a law for their emancipation at any particular age. The children of female slaves are also slaves. In a country like India, subject to severe famine, the relief which is afforded by the inhabitants of a neighbouring province purchasing the children of famished parents, greatly counterbalances the loss of freedom, especially since the state of slavery is so alleviated and soothed by kind treatment and regard. Besides, the slave, especially the female, when she loses her freedom in infancy, becomes habituated to her mode of life, and from never having enjoyed it, cannot so well appreciate the delight of freedom: she also forms an attachment for the family, or for some of its members, and would feel more pain perhaps in being separated from them, than pleasure in acquiring her liberty. In fact, some instances have come before me, where female slaves having complained of the cruelty of one member of the family, have abso-

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lutely refused, when I offered to liberate them, to leave the family, in consequence of their attachment to other members, or the fear they entertain that if set adrift on the world to depend on their own exertions for a livelihood, they might not be able to obtain one.

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Adoption of Children and Heirs.

175. The sanction of government was always indispensable to render adopted children the legal inheritors of the property of their adoptive parents. If there was no property to inherit, Government and the individuals interested without difficulty admitted the succession by the person adopted to the name, and his introduction into the family of the individual making the adoption. But the fines that were required from an adoptive parent of great wealth were a profitable source of income to the prince. They were often, however, in regard to men of rank and consideration, regulated by political considerations and personal favour more than by any scale: a Jagheerdar or Enamdar, if not of the reigning prince's party, or if he had violently opposed his accession to power, would sometimes not be permitted to adopt a child at all, that the whole of his jagheer or enam might revert to Government; but this was only the case when the great personage had shewn and continued to evince an implacable hostility or dislike. It was more consistent with Mahratta, and especially with Brahminical propriety, to allow of adoptions for the sake of the due and orthodox performance of obsequies, shrauds. The usual custom, therefore, was to take a fine of from an eighth to the three-fourths of the personal property and income of the family, according to the pleasure of the prince. Persons of no political consequence were required to pay a fourth part of their estate.

Present Practice with respect to Adoptions.

176. The former practice of giving sanctions to adoption has been partly preserved and partly not, in Poona. There are no specific rules for my guidance on this subject, and I desire parties applying to me to obtain your sanction, because the questions involve the acquisition of escheat property, and sometimes the falling in of jagheer and enam possessions, on which subjects I do not consider myself competent to decide.

Cotton.

177. There is very little cotton grown in my district. The average price of of a candy of five hundred pounds may be stated to be about eighty-five rupees. The soil appears in many places very good for the growth of this article, but some old Koonbees have informed me that about thirty or thirty-five yearsago a considerable quantity of seed was brought to Poona from Berar, and that the cultivation of it was tried, but that the plant pined, and they were discouraged by the failure from attempting to introduce it, even as one of a routine of crops. Perhaps the Bourbon or Coimbatore seed might prove more successful; and if Government wishes the experiment to be made, I shall have no difficulty in effecting it.

Silk, Tobacco, and Opium.

178. The mulberry-tree thrives here, and it might be possible (it seems indeed very feasible) to introduce the silkworm. I understand one of the southern Jagheerdars has been able to obtain silk. Tobacco does not thrive well here, nor does the poppy.

Boundary Disputes.

179. Boundary disputes are very common, and some of them are said to have commenced upwards of a century ago, so that it is next to an impossibility to settle such old ones satisfactorily. The usual mode I adopt for adjusting them is, to refer them to punchayets.

Number of Seebundies and Shetsundies.

180. The number of Seebundies in hill forts is 192, and the number of revenue Peons attached to nine Mamlutdars is 407, which averaged, is to each district, forty-five. The number of Shetsundies, or militia holding lands for service, is one hundred.

Stamps.

Stamps.

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181. I am decidedly of opinion that it would be impolitic to introduce stamps in Poona just yet. The relief which the introduction of stamps would afford to myself would be incalculable; but I think the encroachment which they would make on that which constitutes a high satisfaction of a Maratta complainant, that of writing a complete history of himself, and of as many of his relations as he may ever have heard of, without expense, would be complained of as a scheme to cheat the people out of justice. When they learn that these histories do not of themselves make up a just cause, and when they begin to abandon the practice of compiling them, stamps might give less disgust than they would do now. They would at present also be considered an oppression, merely because such a species of tax is quite unknown and unusual, and I am certain a person would more readily pay twenty-five per cent. under the known name of hurkee, than two per cent. in such a way. It may be said that the tax and the object of it would soon become so well understood, that the alarm at its introduction might be risked; but I should imagine it is still our policy here to make no innovations that are likely to become topics of general conversation, far less of dissatisfaction, with reference to our Government.

I have, &c.

Poona, 10th October 1821. (Signed) H. D. ROBERTSON, Provincial Collector.

POSTSCRIPT, 1st January 1822.

New Queries.

182. Having been honoured with your despatch of the 22d ultimo, before the fair copy of this report could be prepared, it may not be amiss to reply to the additional queries it contains in the manner of a postscript.

Changes in Village Administration.

183. Such changes as have occurred in village government or administration since October 1819, are fully stated in the preceding paragraphs; my management up to that period was founded, I believe, as stated in the Honourable Mountstuart Elphinstone's report, on former custom.

Meerassadars.

184. I have already so fully adverted to Meerassadars and meeras estates, that no additional remarks appear necessary here in answer to the third paragraph of the letter now under reply.

Items of Extra Revenue.

185. The query in the first part of the fourth paragraph is also already replied to. In answer to the last part of that paragraph, I have to state that I have made no change in the items composing the extra revenue, except in so far as I have abolished some trifling ones, and imposed others, because they were either proved to be not customary, or the reverse.

Division of the Revenue Mahratta Shares.

186. Where the whole of the revenues of a village is paid to Government, I do not now divide it into the Mahratta shares of mokassa, &c. where, however, shares are held by individuals, it becomes necessary, of course, to ascertain their amount according to former usage under their particular names. I have not been able to induce any shareholders to accept of a fixed payment in lieu of their actual shares according to wywaut.

Settlement of the Jummabundy, by whom conducted.

187. My settlement is always made by my cutcherry servants, sometimes under my immediate superintendence, and always under my own orders if I be not on the spot. In 1229 fusly, my cutcherry made the ryotwar, or a settlement with each individual Ryot. In 1230 fusly, it made the mozeewar settlement on the preceding year's data, including the increase of cultivation, the rent of concealed lands discovered from actual inspection or old accounts the addition of petty taxes discovered to be usual, &c. The Mamlutdar then ascertained and fixed the detail or ryotwar settlement. I have r

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increased the size of the districts of Mamlutdars: they are perhaps quite large enough if the tract of country they comprize is taken into consideration. The salaries of one or two of them, however, were increased in 1229 in proportion to the increase of the jummabundy. Complaints are very frequent against Mamlutdars, but they are chiefly the complaints of litigious persons whom it is impossible to satisfy. There have been, since November 1818, six Mamlutdars removed for incapacity, and three for corruption. The gentry look on the Mamlutdars with jealousy and contempt, and they in return, by pretending the most scrupulous zeal for the interests of Government, contrive to annoy the gentry, who then complain of being treated with disrespect. There are faults on both sides, perhaps, and the fact is, they do not assimilate. The Madras Mamlutdars have not the confidence of believing themselves gentlemen, and if I attempt to make them fancy they are, by offering them a chair, they commence bowing and scraping and hoping to be pardoned for presuming to take such a liberty as sitting on a chair before their khodawund. Even my Madras Dufterdar, Krishen Rao, who is one of the most polished I have, is quite uneasy on a chair: but his humility is more from real modesty than want of natural manliness of behaviour; and I have actually thought I could perceive a blush on his cheeks when treated with common civility. The Madras revenue servants are hard working, good accountants, however, and might be set in competition with all the world for planning general views of particulars in colums and headings, and in divisions and subdivisions of heads. The Mahratta Mamlutdar has frequently too much confidence, and oftener offends the gentry by a downright assumption of consequence, and an open bearing withal, than by a sly hit cloaked under public zeal. They certainly are more respected by the gentry; partly perhaps from their determination to be themselves considered as gentlemen, and partly perhaps on account of their being either Concunee or Deshust Brahmins, and not so much foreigners as the others.

Visits of Collector and Assistants to the Mamlutdar's old Records.

188. In reply to the 7th paragraph, I beg to state that I visited in 1229 and 1230 every Mamlutdaree once, and some of them twice and three times a year. Mr. Lumsden, in 1229, visited one or two districts, and in 1230 he went to Indapoor and Beem Thurry. My report of the 1st May 1820 contains the essence of some old papers, and the appendix to this report will also shew that I have exerted myself to procure such documents as are of the first importance in leading to a clear knowledge of the customs and common law of the country. I have myself often found the fruits of my researches in this way of great utility, in enabling me to form a clear understanding on questions of a judicial nature which involved reference to the common law of the country as the criterion of judgement.

Drunkenness.

189. I do not consider drunkenness to be in any way prevalent in my collectorship. There are not many drunkards even in Poona, nor am I aware that there are even half a dozen quarrels in a year originating from intoxication of the parties.

Condition of the Ryots.

190. The general condition of the Ryots is by no means wretched. In the mawuls, however, the assessment is too high and the burdens of Huckdars and others too heavy, so that there the people are, in consequence, worse off than those of the Desh. There has been no great influx of cultivators from other countries into my districts. A good number of Meerassadars, however, have come back, especially many of those who served Bajee Rao as Peons and servants, but the cholera morbus has perhaps swept away more than have returned. At the present time emigration is going on pretty fast from the Indapoor district to the Nizam's country, but I have had the honour to report on this subject separately.

Emoluments of Daismooks, &c.

so In respect to the footing on which the Daismooks and other Zeemindars now e as to emoluments in comparison with former periods, I can only repeat at I have stated in the foregoing paragraph, but I have very little good information

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information on the subject; but if under such circumstances, however, I were to offer any opinion, it would be, that I think some of them now get much more than even in Nana Furnavees's time, and some of them less. It is a desideratum to ascertain and fix every thing regarding these men, and I shall turn my attention to the subject as soon as possible; but you must be well aware of the little leisure I have to prosecute such inquiries, when you take into your consideration the usual routine of business of my office, and add thereto the numerous complaints I have to reply to in English, and the great caution and length of investigation I am obliged to admit, in order that I may, as far as possible, avoid cause for blame in the decision of even the most petty affair; and you will, I doubt not, extend to me your pardon, if while I promise every diligence, I do not engage to answer within a given period your query about Zemindars.

Intercourse with respectable Natives. Feelings of the People towards the British Government.

191. In reply to the question in the 10th paragraph about intercourse with respectable natives, I have the honour to inform you that I once had a particular day in the week for seeing them, but that as latterly I found those only came to me who could not get what they wanted from you, and that I was liable to be led into interferences with your orders, I gradually abolished the custom of receiving them on a stated day, or at all, unless they bring an order from you for a punchayet, or any other business, during the progress of which these particular persons occasionally visit me to further their own affairs at any time when their presence is requisite. In respect to private or complimentary intercourse, if any native gentleman wishes to see me, I receive him at any time; many of them, however, have never evinced any inclination to visit me, perhaps because they consider me merely in the light of a Mamlutdar, and that I ought rather to visit them. The most pleasant visitors I sometimes have are learned Brahmins: these are mild and gentlemen-like in their behaviour, and as they do not stand on ceremonials, I always treat them with that kind of attention which may be termed private and not official, such as proceeds from the inclination, and not from a sense of duty, to which alone the blustering Sirdar, of slow and solemn pace and strict, can owe a courteous reception. I have considerable pleasure in meeting a respectable and intelligent native; but I assure you that I do not know three Sirdars who are so entirely divested of ideas of their own grandeur and consequence, as to allow of my maintaining any intercourse with them beyond that of mere form and ceremony. I have, however, had but little time to study this part of my duty, and those observations may not be in accordance with what I should consider the best criterion for guiding judgment on this point, your own knowledge, derived from your own extensive intercourse with these personages. There is one remark, however, which I shall offer: it is, that no native gentleman is free from the genteel Marhatta habits of lying and cheating. The meaning of their "pukha shana" corresponds exactly with that of the Dutchman's "slim mensch," both expressions literally signifying a vastly clever fellow, but by which are understood, a sly, lying, cheating rogue. It is difficult for an executive officer to answer well the last part of the 10th paragraph. He cannot duly appreciate the feelings of the people. My opinion, however, is that the great body of the community is well satisfied with our rule, though no doubt those who are gentlemen idlers would rather be dabbling again in politics and mamluts than mere spectators of the most augustan sway. I can hardly say they yet like us better, but I think they are becoming somewhat more reconciled to existing circumstances.

Banking and Mercantile Houses.

192. A few Sahookars have failed in Poona, but from bad debts they might not have received, even had the former Government continued; from debts, for instance, contracted by broken-down Sirdars and Mamlutdars. Sattara has been supplied with some houses of agency from Poona; but these are branches only of the Poona concerns, which latter are still maintained. Some houses have given over, or do very little business, both from there being little trade going on any where, as well as from their being rich, and perhaps not over anxious to push much during the present stagnation.

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Mootsuddies.

193. Some of the poorer Mootsuddies have betaken themselves to agricultural pursuits, but the great body of them are living from hand to mouth without employ. Some, whose parents or families had not emigrated from the Concan, have gone back to their homes; some have taken up their quarters in small towns, where they live cheaper than in Poona. I have about thirty of the poorer sort in the Revenue department, and of the middle class there may be about twenty-five employed as Mamlutdars and in the Adawlut, a few of them have pensions. The great Mootsuddies have most of them either large fortunes of their own or pensions from our Government.

Preservation to the Inhabitants of their own Institutions.

194. In reply to the query about preserving to the inhabitants of the Deccan their own institutions, I beg to refer you to the preceding paragraphs for information as to the measures in the Revenue department, to which, keeping my orders to introduce a ryotwar settlement in recollection, I have had recourse. I shall not again advert in this place to any instances of my departure from an adherence to local institutions in the management of this department. I am perfectly satisfied that, in my district, the body of the people were much pleased at finding the change of government had made but little change in their feelings or relations towards each other as members of society. Every one expected, and our enemies were busy in propagating the belief, that the new government was of an inquisitorial and unbending nature, that men would be unable to transact the most common private affairs without a decree of an Adawlut, and that commission fees and stamps would annihilate all chance of a poor complainant obtaining a redress of grievances.

Holders and others out of service.

195. There is a considerable number of unemployed Mahomedans and Mahrattas, who go about Poona without any certain means of livelihood, persons of indolent habits, and who retain the pride of spahis. They live in brothels, and are not seldom indebted to the keepers of such houses for a meal. There may be about six hundred such persons in Poona, but certainly not a greater, and of these four hundred may be estimated to be Mahomedans.

Another Letter of Queries about Police and Justice.

196. I now proceed to reply to your circular letter, dated the 23d December 1821, containing queries concerning police, criminal and civil justice, &c. which as they relate chiefly to the circular of the 27th June 1820, I beg to inform you that the proclamation contained in that despatch was promulgated immediately on my receiving it. It may be best, in reporting on the effects of those regulations, to notice each rule separately.

197. The rule respecting the responsibility of villages and Potails, as the heads of police, for property robbed within the village boundaries, was general, and acted up to according to particular circumstances in the Poona Collectorship, before the orders of Government were published. I have found this system far more efficient than that of an independent police, under Ramoossee Naicks. I have seldom found the enforcement of the payment of about three-quarters of the property stated to be lost, to be long unattended with the production of the property itself. The effect of the promulgation of the orders of Government was to strengthen and invigorate the existing system of the country, by doing away all hope of its being dispensed with; generally speaking, I am happy to report that the police of the Collectorship in this respect is excellent. A proclamation, to the effect of your circular letter regarding receivers of stolen goods, was published, and is acted upon in all cases.

Armed Travellers.

198. I see no good reason why there should be any restriction kept up about travellers, and the second rule requires no comment further than that it appeared to be generally comprehended by the people.

Village Walls.

199. In reply to the third rule, my exposition of the duties of the village corporation in maintenance of its own interests will shew, that Government, if it maintains that system, need not trouble itself with the repairs of village walls.

walls. I recommend the abolition of the third rule for the present, as it may perhaps rather act as an interdiction than an encouragement in promoting the end desired.

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Exercise of Magisterial Powers by Mamlutdars and Potails.

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200. The fourth rule is sometimes acted upon, and sometimes not, by Mamlutdars. Where it is not, it arises partly from the fear of the local officers being complained against, and partly from their indefinite notions regarding the magnitude of crimes; but the inconvenience to the people on this account is on the whole very trifling, and it may be better to allow it to remain than risk by such a delegation of power as would induce the public officers to act with less circumspection in the infliction of severe punishment under the influence, on some occasions probably, of personal feelings. Potails have not, as far as I can learn, ever exercised the power entrusted to them by this rule. In former times, the power of fining was too profitable to be left by a Mahratta Mamlutdar in the hands of a Potail, and the Potail perhaps does not now like to venture on its exercise until he sees exactly how he would be supported. But I have not been able to discover clearly why the Potails are backward in acting under this rule: perhaps they are afraid, as you observe, of being taken to task by the Magistrate for any deviation from what he may deem the exact line and extent of the powers invested in them.

Suits, Appeals, and Judicial Matters.

201. I pass over the fifth rule, which I reserve to answer last. The sixth and seventh rules are acted upon, and I have already reported how I execute the eighth rule. The ninth, which regards the periods of the admission of suits, is understood and acted up to; the tenth rule, limiting the time of appeal against the decree of a punchayet to two months, I have occasionally not enforced, on its appearing to me that the appellant was really ignorant of the rule, and that my insisting on it would have been hard and unjust. It is seldom the case that much time is lost in complaining of injustice: I am even troubled with complaints of injustice that is apprehended. On the whole I generally deem it better to admit the appeal, and thus to prevent a feeling of discontent against our regulations, than not receive it on the score of its being somewhat too late in point of time. The eleventh rule about appeals from the decisions of Government officers I have occasionally infringed in the same way as the tenth, and especially when I discovered the appellant had allowed the time to elapse on purpose, in which case, as the object of such persons is generally to make a noise about not being heard, and to complain of the regulations by which they are excluded, before admitting the appealed. I have exacted a bond for the discharge of a considerable penalty, in the event of the decision being confirmed against them. The twelfth rule about registers is acted upon, no registers are required from Potails. The thirteenth rule is fully understood. A recommendation, such as is contemplated in it, is given by every judicial officer before and after the collection of papers, &c. in any suit about to be submitted to a punchayet, or decided by themselves. The fourteenth rule respecting decision of a suit during the voluntary absence of one of the parties, strikes at the very root of the most cherished habits of a Mahratta litigant. I have only enforced it in instances of repeated neglect or disinclination to attend. I take advantage on some occasions of the fifteenth rule; and when it is obvious that the party really thinks himself injured, and does not appeal with the view merely of trying his luck, by his case being submitted to another person's decision, I take no penalty bond. In regard to the sixteenth rule, I am inclined to think that Enamdars and Jageerdars would commit petty oppressions on their Potails and villagers, but that they are restrained by the fear of our interference. Two instances have come to my knowledge of Enamdars bribing complainants into silence, and as there was not much harm done, I took no notice of what I had learnt; the voluntary fine, I may say, which it in both cases led to, and positive mark of restriction which it displayed to the villagers, being in my opinion a sufficient punishment for the offence, as well as a check on such behaviour for the future.

Criminal Justice.

202. In answer to the third paragraph of your despatch on the subject of criminal justice, I beg to inform you that the increasing audacity of robbers is

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at this instant too obvious. Ramoossees and Coolies are swarming over the country, robbing and plundering; but concluding from what they have seen of our punishments, that for robbery merely, or for participation in a bund, such as the Coolies under Hazaree and Lohot raised last year, they will only be obliged to suffer imprisonment, they carefully avoid murders, unless forced to commit them in self-defence. As I fear we cannot venture on punishing capitally few offenders of this description without risking the converting of robbers into murderers, it is my opinion transportation for life should occasionally be substituted for fourteen years imprisonment. Notwithstanding all my efforts, the chiefs of the present plunderers have eluded Sebundies and horse, and I shall probably not have the satisfaction of hearing that one party even of them is come up with, and cut up, which they certainly would be if the troops once got within view of them; but as I shall, no doubt, by and by apprehend some of them when they break up for the season and return to their homes, it is worthy the consideration of Government to determine whether transportation should not be resorted to with those found guilty, as a punishment more likely in future to deter others from similar conduct, than imprisonment. The irksomeness of confinement to a restless European delinquent is not, or at all events in but a small degree, felt by the people of this country, who have already discovered a strong inclination to get into prison for the sake of being fed and at their ease. Three men who had been imprisoned and kept at labour on the roads for two years, on their release at the expiration of the period of their imprisonment, actually a few days ago petitioned Mr. Borradaile to be put back into jail with fetters on their legs, and kept at hard labour as before. It may be urged that they are perhaps too well fed, but the pittance they obtain is barely sufficient to enable them to live.

Civil Justice in the Districts.

203. In reply to the fourth paragraph, about Civil Justice, I have to state that the decisions of Mamlutdars are not complained of; but the greater number of suits returned decided are adjusted by razeenamah, and not by decrees of the Mamlutdar. In cases, too, which are not settled by razeenamah, punchayets are almost always appointed, most litigants preferring the decision of a punchayet to the decree of a Mamlutdar.

204. The orders of the 27th June 1820 are by no means strictly adhered to in practice. Potails do not assemble punchayets at all; but they decide pecuniary suits as referees, with the aid of the Sumust Dehijin, and sometimes only of the Bullooties, or of the Chowgulla and Koolkurnee. Mamlutdars receive suits to a much greater amount than that specified in the rule. No returns of the Potail's proceedings are required or submitted. The Shetties of towns, like the Potails, do not take a very active part in the administration of civil justice. The method of the party selecting his own members to sit is still in force: the people seem to like it, and are averse to have their members appointed by the agents of Government. In this respect I have consulted their inclinations, ever since once acting on the Regulation, I discovered that I selected four men who had all a strong personal enmity against one of the parties, while three of them were also intimate with the other. The power of selecting members in the hands of a native justiciary, it occurred to me, might be influenced by motives that in their effects would have a worse tendency than even an ignorance of the feelings of particular persons towards each other, and I therefore looked on the experience I had by accident acquired, as the discovery of a sunken rock in this sea of management, from which we ought to steer clear. The parties also always like to have a sirpunch of their own chusing.

Puggada. The Punchayet System.

205. Puggada is not carried to excess, and many prefer placing their debtors under restraint in the debtor's jail, to resorting to it. This is especially the case where the debtor, being rather respectable, may be afraid of losing his character by being thrown into prison, the threat of which frequently makes him pay his debt. In respect to the operation of the punchayet system, I beg to submit translates of the answers of one of my Aumeens to questions respecting the obstacles they meet with. There is a greater appearance of judicial business being done now than formerly, owing perhaps to its concentration into

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into one point of view. Formerly it was almost impossible to estimate what was done, as it was in the hands of a great number of persons independent of each other, and but little responsible to any common superior. An intelligent native judicial functionary has remarked, that disputes about wuttuns and inheritance are got out of hand at present with a dispatch far exceeding that of former times, but that suits for money are by no means so soon adjusted as formerly.

Conduct of Jagheerdars and Enamdars in dispensing Civil Justice.

206. Jagheerdars and Enamdars are by no means averse to calls being made upon them for deciding suits in their villages; they perhaps get a present for their interference, and therefore rather encourage than repress the desire of litigants to refer to them. They are not so active, I am sorry to say, as the heads or organs of police. They decide, I am inclined to think, justly in most civil cases; they occasionally decide themselves, but most frequently appoint a punchayet with one of their Carcoons as President. I have had but few appeals from their decisions, and I do not recollect one case in which I did not, on the whole, approve of the decree. It would be very difficult to answer the last part of the seventh paragraph of your despatch. Some Sahookars are not satisfied because I do not allow them to harass the Ryots out of their lives for old balances; and many creditors complain, that even after they obtain a decree they cannot get their money. On other points of our popularity, &c. I have already made a few observations.

Aumeens.

207. Aumeens are employed in trying causes themselves, and in superintending punchayets, but the greatest part of their time is occupied in collecting papers and shaping the matter for the consideration of the punchayet. There are not, on the whole, a great number of appeals from the decisions of Aumeens, and I deem those I have, to possess fair characters in respect of honesty, though I by no means intend to insinuate they are immaculate, or would not yield to temptation. They require to be well looked after, and the fear of the discovery of any corrupt act operates perhaps as a stronger check on them than their own morality. Sirdars are not partial to Aumeens.

Produce in Cases where Sirdars are Parties in Suits.

218. When Sirdars are parties in suits the plaint is sometimes made to me, though submitted generally in the first instance to you. The answer of the defendant is required by me (when the cause is before me) by letter: a reply and a rejoinder are obtained through the same means. The parties nominate their own members to sit on a punchayet, which is afterwards embodied in my presence. The litigation goes on for months, the member for each party advocating the cause of their own constituents. They sometimes quarrel and abuse each other in all the violence and heat of party spirit; in short, they are the very reverse of an English jury. They protract their judgment for years, instead of deciding in a few hours. They go about to each other's houses, and are entertained, and fed, and even clothed by their constituents, instead of being, like an English jury, impannelled; "to guard," in the words of that excellent judge, the present Chancellor of England, "against even the pos-"sibility of tampering with any of the jurymen, which could only be effected "by keeping them together, without the means of communication." Here there is no such check. But if requisite towards Englishmen, it is beyond all calculation indispensable in respect to natives of this country. When a decision is arrived at, it is forthwith disputed and appealed against. The punchayet has to revise its proceedings, or the case is gone through by yourself. In the mean time the award is not satisfied: and this second stage of the dispute is long and tedious. After all, the decree is possibly confirmed, and ordered to be carried into execution. This is to be performed with due consideration to the rank of the parties; persuasions and half orders are first used, then threats upon threats, and at last the character of a great house goes to pieces by an attachment, and the whole country talk about nothing else; others, again, elude answering the demands of justice, by complaining of the proceedings of a judge, and paralyze, by a political discussion about their consequence and respectability, the arm of justice, while the cause is yet pending. The natives, however, blend political importance so much with their own interests, that we are

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not likely, till at least the present generation has passed away, to be exempt from this evil. In the execution of a decree, houses and personal property, exempting implements of trade, are attached and sold; but houses are only sold when the other property is insufficient. The period of imprisonment is indefinite; that is, it depends on the debtor paying the sum he owes, or satisfying his creditors by some compromise. A debtor is subsisted by his creditor: the sum allowed to each is two annas per diem, that is, fifty reas; if this is not paid the debtor is released.

Frequency of the Ghur Sunghoots.

209. Ghur sunghoots are by no means frequent; but razeenamahs, after reference of the case to Aumeens and Mamlutdars, are, as already stated, very common.

210. I submit a few observations, drawn up for my own use by Mr. Borradaile, on the subject of Civil Justice, but which I deem of sufficient value to submit for your perusal. The remarks of a new and intelligent observer often tend to the discovery of new views. These observations suggest several reflections, and among them is one which has occasionally occurred to me before, that the ready hearing which all sorts of complaints receive from Aumeens, Assistant Judges, and the Commissioner, though of the highest utility to most people, is an evil of considerable magnitude to others; that, in fact, every man is heard twenty times over, but that few obtain redress. The evil could be remedied perhaps without barring access to other complainants, by the enactment of a Regulation, that whoever complains to a higher judicial functionary until after the inferior one before whom his cause is pending shall have passed judgment, shall, on the same being ascertained, be cast in the suit.

(Signed) H. D. ROBERTSON,
Provincial Collector.

Example of a Potail's Hucks, Enams, &c.

EXAMPLE *of a* POTAIL'S HUCKS, ENAMS, &c.

In Waley turruf Neer Thurree.

1st. Twenty-four rookas of enam land, of which he has given to the relations of Bal Joshee three rookas in enam, in compensation for his having murdered Bal Joshee,

2d. Googree, four pahaleys on all land excepting Ranmulla and Baghaet.

3d. Maun paun.

1st. Luggun mowrut of Koonbee, and the maun of Sowasheen, the right of his wife to go to an entertainment on the marriage of all Koonbees of the village who are Meerassadars.

2d. Holee* che polee.

3d. Sheralset.*

4th. Poliache* byl.

5th. Ghut.†

6th. Apta poonjun (dusseera offering).

7th. Tushreef: present by Government for settling the jummabundy.

8th. Nam naugur: the right of signing a plough to official documents. Hence the Potail who has this right is called the Naugria Potail.

9th. Deepaleecha byl.

10th. Mongolee che poonja.

11th. The marriage-parties of Koonbees to proceed to his wife's house to give her huldee and coondkoo (saffron and a mixed colour put on the forehead) before the marriage is celebrated.

12th. The right of shew, or a handful in kind from whoever sells vegetables, except the Metras or Huckdars, who may send their products to sell, and are exempted from this exaction.

13th.

* See the enclosure to my report on Revenue, dated the 9th March 1818.

† See No. 26 of this paper.

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Example of a Potail's Hucks, Enams, &c.

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13th. A bundle of sticks on all holidays to be brought by the Mahar.

14th. A pair of shoes once a year from the Chammar.

15th. One soparry-nut from each stall and shop on market days.

16th. One quarter of a seer from each bag of grain brought on market days for sale, and an open handful from those who bring grain on their heads. This is called fuskee.

17th. One quarter of a seer of goor on every holiday from each shop-keeper, excepting Shetties and Mahajuns.

18th. A spoonful of oil from each oilman every day he uses his oil-press.

19th. Khandwa (a cake) given when Koonbees, Warrees, or other inhabitants marry, also the following presents, twenty-five paun leaves, five soparry-nuts, half a cocoa-nut.

20th. When Shutwaee (the goddess of pregnant women) has the child's head shaved in her presence, the head of the sheep or goat killed on that occasion.

21st. Theel sunkraut: a seer of teel and a seer of goor.

22d. The Dhungurs, weavers' subscription cloak, and the tax per annum on their looms at four pice each, excepting the Metras (chief of the caste).

23d. The Kashtees (weavers) tax, or fourteen hookas per loom.

24th. Thirteen paun leaves on market days from each seller of paun.

25th. The worship of the Joshee's written predictions on new year's day, and on the teel sunkraut (performed either in the chowree or the village god's temple.

26th. Ghut ootapun: the grain offered to the pot, fire, and necklace in front of the village god, on the nowrah festival preceding the dusseera.

27th. Five of the little bags of grain being on the cross sticks whence the necklace mentioned in No. 26 is suspended.

28th. On the naug punchumee and teelsunkrant, the chowras given by the Kassars* and Manniars.

29th. On the foolseo luggun, the kurindas beegraas and thumee (comb) taken from the Kassar.

30th. The Mallies payment of oons (sugar-cane), and kurbah (straw of bajerry and joary).

31st. The Ramoossees presents of ambey bor and awley (mangoes boxes and awleys).

32d. The Maungs whip and heel ropes.

33d. The goondal beera, *viz.* five paun leaves and one soparry, and sewashen from Sookwastees.

34th. The head of the sheep killed at the ghut ootapun (see No. 26), and the laheechee waree brought by the Gooroo.

35th. The pooja (worship) on naugpunchmee.

36th. On naugpunchmee and teel saukraut, each atars pooree (paper) of kookoo.

37th. The shunga necklace of baked sugar received from each pastry-cook.

4th. Paun baira, five rupees two annas in cash bhaca.

Nine rupees payable by the whole village.

Cownlayee che shet in the hands of the Mocuddums, that is ghutcool fields which the Mocuddum appears to have a right to cultivate, paying the gaum challee der only, and throwing them up every year in succession, paying only for so much of them as he does cultivate; that is, in fact, getting an excellent crop

* Kassars and Manniars are of the same profession—makers of bangles for women; but the former are Hindoos and the latter are Mahomedans.

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crop from the land lying fallow every second year, and yet only paying the gaum challee der. (Here a detail of these fields is given.)

(Signed) H. D. ROBERTSON,
Provincial Collector.

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EXAMPLE *of a* WUTTUN PUTTUR.

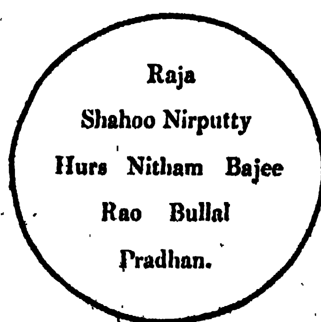
Example of a Wuttun Puttur.

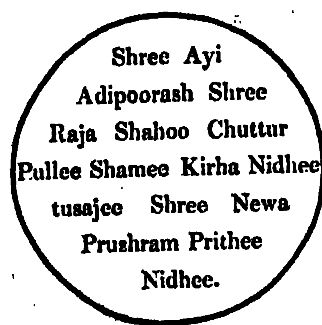
A wuttun puttur is hereby granted by the Sumusth Rajkars Dhoorumdees Wiswas Nidhee, Rajmanja Raza, Shree Ballajee Pundit Pradhan, to Yemajee bin Ramjee Potail Jadoo, half Mocuddum of the village of Katrej turuf Havaily. Kurayat Mawul Poant Poona Soor sun Suman Khumsein Meya va alif, as follows, *viz.*

You having come to Poona and represented that the whole mocuddummee of the said village formerly belonged to Goree, and that it was thereafter divided between two of his descendants Rajey Khan and Ismael Khan Goree, and that they having been reduced to distress and intreated you and your relations (gulla puroon) to purchase their wuttuns, and you and your relations (names of relations are mentioned) being willing, you purchased and received deeds of purchase, by which you, to your own share, have acquired the whole of the rights and titles vested in Rajey Khan Goree Mocuddum, which amount to one-half of the mocuddummee and the precedence in rank attached to his half, half of the maun, the right of the naugur (first signature of a plough to official papers), and (wurkur maunaghur) other points of precedence, upon your having paid him the sum of rupees six thousand and one, and two candies of grain, *viz.* of joary and bajerry, according to the khureedee khut, of which the following is a copy, and that you are desirous to obtain from Government, after inspecting the deeds and inquiring into the transaction, a wuttun puttur.

Thereupon having examined the khurreedee khut, which is as follows, (here a copy of this instrument is entered) and found it duly attested by witnesses, and having interrogated personally Rajey Khan and Ismael Khan Goree, son of Bowa Khan Goree, you and your heirs are hereby for ever constituted the possessors of (recapitulating the extent of land, the half of the mocuddumee, &c. detailed in the Kurreed Khut). The fees exigible from you on account of this your wuttun amounting to Rupees 150, as agreed for on account of swaray, Mogullaee, Sirdaismookee, and all other accounts, have been received by Government.

Given this 20 Rubbee-ool-awul, Uducca Premaun





A true translation:
(Signed) H. D. ROBERTSON,
P. C.

MR. H. BORRADAILE.

(*No Date.*)

Mr. H. Borradaile, (No Date.)

I proceed, in compliance with your wishes, to state those points in the punchayet system of the Deccan which particularly struck me, coming direct from a court established on the principle of the judicial system of our old provinces; and as the clearest way of doing it will be by comparing the details of

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of them with each other, I will commence *this* with an account of the mode of proceeding in a suit in a zillah court. It is unnecessary for me to say any thing respecting the expense incurred for stamped paper to file the suit, record the answer, &c., both because it does not affect the mode of proceeding in a cause, and the subject of introducing it has been already discussed.

The suits are received and filed by the Judge, and a summons is then issued upon the defendant to give security in the amount of the suit, to appear and defend it, in which if he fail, he must return in custody of the Peon who serves the summons, to remain in jail until the suit shall be decided; and if the decree be given against him, until he has satisfied it. The bond binds the security to produce defendant at any time during the progress of the cause, and until the decree has been fulfilled, and in case of failing to produce him, he becomes answerable for the whole amount. In cases where the defendant is not to be found, the summons is endorsed by the Nazir to that effect, on which an order is issued, and the most public place in the village where (*Sic orig.*) he resides, that if he do not appear within fifteen days from the fixing up of the notice, judgment will go by default. In like manner, to prevent people from being harassed by having false complaints filed against them, and not prosecuted to a close, it is a rule that if a plaintiff at any time after it has come on fails to prosecute the trial during six months, a nonsuit is to be pronounced, granting costs to the defendant; and there is a clause in the Regulations ordering a fine to be imposed on the person who files a suit which proves to be vexatious and unfounded. When the cause comes on, another summons is issued to defendant and also to plaintiff, to appear on an appointed day, prepared with their exhibits and a list of witnesses, and the defendant is then furnished with a copy of the petition, to which he is to give a categorical answer. A copy of this is furnished to the plaintiff, who replies in the same manner, and after defendant has rejoined to this reply, the pleadings, except in very rare cases, are closed, and the exhibits and lists of witnesses being received, the proceedings are adjourned till the witnesses can be summoned. The cause proceeds thus far generally at one sitting, every thing being previously prepared by the Vakeels. The parties have the option of carrying on the suit in person, or of appointing one or more of the Vakeels of court to conduct it for them; and the latter course is generally pursued, in consequence of the Vakeel's knowledge of the forms of proceeding and greater fitness for the charge from being constantly employed in the same duty. The Vakeel receives a quarter of a rupee from the client in the first instance as a retaining fee, and is allowed besides an established fee for his trouble, regulated by the amount of the suit, which is recovered from the party immediately after the passing of the decree. The witnesses having been summoned, their evidence is taken on oath in the usual manner. It is only necessary to say that the plaintiff is obliged to pay a certain sum as assistance-money to the Peon who goes to serve the summonses, and also to give the witnesses themselves a certain sum to make up for the loss they may have suffered by being obliged to appear at the zillah station. The evidence on both sides being closed, the court either proceeds to pass judgment immediately or on a future appointed day. During the re-perusal of the papers, the arguments of the parties or their Vakeels are heard on particular points in the trial, and the decree is then passed. Each party is at liberty to receive a copy of the decree, if applied for within ten days after the passing of it; and a month after that time is allowed to the losing party to make his appeal, which may be either on general or specific grounds, and a special appeal may be admitted even after that time, if good reasons can be shewn for not having made it within the proper period. The plaintiff is left to sue for judgment, which he is not of course backward in doing. The expense of counsel and all process is immediately levied from the parties in whosoever favour the decision may have been given; and in the event of a suit [illegible]ing dismissed, or of a nonsuit, the defendant's costs are immediatel[illegible]rom the plaintiff, who is not suffered to leave the Adawlut, un[illegible]ll, until they are paid. The appeal is generally decided upon a hearing of the original papers of the suit, though fresh exhibits and witnesses are sometimes allowed to be brought forward when sufficient reason can be given for not before producing them. The original decree is, excepting in very rare cases, carried into execution, whether the suit

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is appealed or not by immediate attachment and sale of defendant's effects if for personal property, and by putting plaintiff in possession of the estate or whatever other real property he may have sued for. Although this process appears very clear, and the time employed in the decision of a suit short, it must be remembered that in those courts which are of old standing, notwithstanding that by far the greater proportion of suits, those under one hundred rupees, are made over to Aumeens, of whom there are, I believe, as many as six in some of the Adawluts, who are stimulated to exertion by receiving a commission fee of one anna on every rupee, that is a sixteenth of the amount of every suit under fifty rupees, and half an anna on every rupee between that and one hundred rupees that they decide, yet the accumulation of business is so great that considerably more than two years elapse before a cause comes on for trial.

Having stated, as far as occurs to me, the usual proceedings in a suit in a zillah court, I will relate what seems the most extraordinary feature in the judicial system of the Deccan; one of which, next to the punchayet itself, is the great power given to the Aumeens here, compared with the native Commissioners of the Adawluts. The judge himself has to decide all original causes above 1,000 rupees value, and in some courts where the Register is not of old standing, above Rupees 500, besides all the appeals that may be made from the decisions of his Register, Assistant Register, and native Commissioners. The Register decides all suits between Rupees 200 and Rupees 500 or Rupees 1000. The Assistant Register all that he can up to 200, giving all under Rupees 50, for personal property that he cannot attend to, to the Aumeens, and suits both for real and personal property as high as Rupees 100 to the Sudder Aumeen. Here the Aumeens not only receive suits to almost any amount referred to them by the Judge, but may receive and decide them themselves without consulting a higher authority. There is indeed a regulation permitting this kind of servant to be employed by the courts, under the denomination of Moonsif, but I am not aware that it is ever carried into practice.

When a man presents his petition for redress against another, he is referred to one of the Aumeens, who endeavours first to get the parties to settle it by ghur sunghoot, or private arbitration. If the defendant has no particular disinclination to arrange matters, he will agree to this, or perhaps allow the Aumeen to settle it for them on the spot: private arbitration is however preferred to every other mode of decision, and ought always to be maintained if appealed against. I believe that the natives seldom resort to the Circar for interference in original cases, which have not been before brought forward until every other means has been tried, and the parties have perhaps been canvassing the matter fully in the Bazaar: a recommendation to settle a dispute by private arbitration would therefore, I think, be seldom attended to, where the defendant is unwilling to pay, unless he sees some chance of making it a means of further delay by claiming a punchayet afterwards upon some quibble. In claims upon book debts and other disputes where a merchant is the best judge, the parties are also sometimes prevailed upon to submit to the decision of some mercantile house; but even then the losing party seldom rests satisfied with the decision, shewing that he has been merely actuated by the above motive in agreeing to it. When the parties cannot agree upon ghur sunhoot, they are ordered to appoint each two (or sometimes three) friends and one umpire between them, and the majority of those members of the punchayet decide the cause at issue. Some time generally elapses before the arbitrators are appointed, owing to the interest of defendant to cause delay, and it is only by constant attention of the Aumeen, to whom the cause is referred, that this is accomplished generally by fixing a certain number of days, and if not appointed within that time, members are named by the Circar. This delay is repeated in the nomination of the Sur Pung, or umpire, who possesses such weight from his casting vote, that great difficulty is always found to make them agree upon one, and the court is frequently obliged to appoint one of the Aumeens of court to sit; this point being got over, it remains to procure a decision from them, which from the habits of the natives, the bias which the arbitrators of each party have for their client's cause, and their private affairs, which frequently prevent them from sitting, is always protracted to a great length. Almost the only remedy seems to be to keep them constantly employed, unless good excuses are given, and to make them

them argue no other points than those at issue, which no one knows better than a native when to wander from, in order to gloss over a bad cause. Where a defendant is particularly remiss in attending, or his arbitrators, the reason of which may be fairly guessed at, an *ex-parte* decree might be passed; and when a plaintiff neglects to cause the attendance of his arbitrators, notwithstanding repeated summonses, his suit might be struck off. There will not be much difficulty in distinguishing whether the delay in these cases is caused by good reasons or mere contumacy and a bad cause. It being a principle strongly inculcated in the Honourable the late Commissioner's instructions, that no decree of a punchayet ought to be reversed unless evidently corrupt, or very erroneous. I need only observe that this rule appears quite unknown to the natives, who seem to think an appeal a matter of course, and almost invariably resort to it. This appears to be owing to their natural unwillingness to part with their money until they are absolutely obliged to do so. It is also assisted by the facility given to appellants, as no security is required, and the decree is generally allowed to remain unexecuted until the final decision is given in appeals. In the Adawluts where such prompt and decided measures are pursued towards a defendant, who is obliged either to secure plaintiff from loss, by getting a friend to answer for his appearance, or be committed to prison, and whose debt is immediately liquidated by attachment, should be upon the opposite party to prevent such an obviously easy method of injuring, both in person and pocket, by a false complaint, a man to whom he is unfriendly. This punishment may with equal justice be enforced here against a plaintiff, who, though he cannot annoy his opponent by throwing him into prison and putting him to expense, yet gives him much greater trouble in attending upon the endless proceedings of a punchayet, and being himself at no expense whatever, ought to have a greater fine imposed in proportion to the greater degree of facility with which a false claim may be made. A defendant, too, suffers but little in comparison with one in a suit in our old provinces: he is here allowed his liberty, with a reasonable time to defend the cause, and instead of being obliged to trust to a mercenary Vakeel, gets two or three of his friends to espouse his cause, and sit in judgment on the claims of his adversary. Execution of the judgment might, therefore, with great justice be immediately made against him; and this I think would remove one cause of groundless appeals, the hope of avoiding payment of a just debt whilst a well-grounded appeal would enable him to recover by a reversal of the decree all his property without loss. The success or failure of the trial to improve the punchayet system will in a great degree depend upon the Aumeens, provided they are well looked after. Sitting as sole judge, there might be a chance of their abusing the power entrusted to them; but as a punchayet may always be demanded, and a public appeal is always open, this is in a great degree lessened. If acting as Sur Pung the arbitrators of each party would hardly ever allow, I should think, any undue influence to be exercised by him, and even if they did, it would hazard discovery by the appeal. In his general duty he can only press on the decision, which is the very object for which he is appointed. I think the punchayet itself a much more formidable obstacle in the way of a speedy decision, if the defendant is refractory, unless superintended by a Sur Pung, who is both able and willing to keep them to the business, point out the particular points for decision, and prevent them from wandering into other discussions. A private person, if unbiassed in favour of either party, is generally so little interested in the matter as to take no trouble about it, and the cause is very often brought to a close only by the interference of the Circars. An Aumeen acquires habits of business and dispatch from his employment, which also teaches him to select such points in a dispute as are necessary to be decided, and to clear it of all those needless arguments which each party always makes. The Aumeens therefore are the best persons who could be found to sit as heads of punchayets. Their want of confidence however will for some time prevent them from being of as great utility as they ought; but when their fear of an appeal (which they consider as a charge of corruption involving a loss of abroo) shall have worn off, and when they understand that a decision is not necessarily imperfect because it has been quick, they will be most valuable instruments for administering justice. Want of uniformity and regularity is characteristic of a punchayet. This is not however a great evil, and will be brought about by time better than by any sudden change. Fixed

forms

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forms for mooktyarnamah and razeenamah might be established to prevent quibbles which are very often raised respecting these very essential papers, on the validity and meaning of which every thing often hinges.

(Signed) H. BORRADAILE.

Mr. H. BORRADAILE'S NOTE *upon* PUNCHAYETS.

Mr. H. Borradaile, (No Date.)

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The advantage of a punchayet over other modes of decision is, that it makes a full and complete investigation, comprehending generally all the points of the dispute before them, and particularly those relating to any matters or right of religion, the custom of the country or caste, which being perfectly well known to the members, they are much better able to decide justly respecting them, and the weight which it is necessary to give to them in any cause than any one person, particularly an European, could do. This advantage is not however absolute; their decisions are sometimes clogged with useless discussions, foreign to the subject, which are too often carried on to the exclusion of matter more relevant to the suit. These discussions make the proceedings much longer than they otherwise would be, if the attention of the members could be kept merely to the points at issue; because the decisions are thereby wanting in completeness from more essential points being neglected, and they distract the attention of the Superintendant.

This completeness is more real and obvious where the choice of members is regulated by the nature of the dispute and their comparative knowledge of it, as arising from the habits of life, caste, or profession. For instance, where Brahmins are chosen to sit in a dispute of Brahmins for a division of property, it is generally brought to a just and good issue, provided the members will take the trouble to descend from preliminaries to particulars, and decide, not only what proportion the shares are to bear to the whole property, but what the value and nature of those shares are to be, from an inspection of assets. I have met with instances where, for want of this trouble, the dispute has been in the same state, or worse, at the end, than at the beginning of the sittings. A punchayet is, I think, still the best mode of adjusting these disputes (provided they are obliged to complete what they have undertaken), not only from their superior knowledge above every other known mode of what is necessary to be done, but also from the delicacy which ought and must be used, in making that strict inquiry into the circumstances of a family, which is always necessary, but cannot be maintained in any other judicial proceedings, because of the publicity which is inherent in them.

Matters relating to caste or depending upon the customs of them, or of any particular trade or business, are far best settled by a punchayet composed of members chosen from the trade or caste. Indeed every descision upon such points must partake somewhat of the nature of a caste punchayet, for the evidence of the members of it is essential to enable the judge of the case to decide; and it would be more advantageous to have the opinions of the members or arbitrators full and free, as they would then be, than as evidences overawed and cramped of necessity, in delivering them before a judicial tribunal; whilst the oath, though it would make them speak the truth, would obtain nothing but the truth, that is, mere matter of fact, allowing for no contingencies or exceptions which the particular case might require. Decisions by members chosen from the caste too, are, in my opinion, more unbiassed than almost any other. For this reason I would recommend that where a punchayet is given on matter relating to caste as above, neither party should be allowed to claim choice of members out of it, unless he could prove that there was a general enmity to him in it. In the same manner where the customs of any particular class of men, not actually reckoned a caste, but pursuing some exclusive occupation, are concerned, the members might be chosen under the same exception from that body. Punchayets of the whole caste again, are much worse than no punchayets at all; it would be better to take their evidence, than let them sit as members. There is no end to the dinners (pan suparee), and other good things, which the caste expects at every meeting, whether for prayscheat, marriage, punchayet, or any other matter. The promiscuous assemblage

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assemblage of persons then collected, not one-tenth of them attending as judges of the dispute, but as members of the whole body, and therefore bound to appear at a general meeting of it, cannot further, and must necessarily retard the proceedings, as it is always found to do. The difficulty of collecting all of the caste, and then of getting a decision from them, must be known to all who have tried the experiment.

In suits for debts of old standing, which are generally very intricate and difficult to decide upon, and all intricate accounts, merchants are the most proper persons to sit as members. These ought to be chosen of the same caste or country as the parties, when both of the same, as mharwarrees, goojeers, bohmas, &c. If the Sur Punj could be chosen from among the higher class of merchants, when the disputes is more about a particular kind of transaction, as insurance, commission, &c. than between men of the same kind respecting common accounts, it seems a great object to be obtained.

Common accounts and obligations, whether bonds or other, are seldom so difficult as not to be better decided by an Aumeen or single person, who would come to a final decision before either party would have named members to litigate in a punchayet. In this case, where it is frequently obvious that one party merely demands a punchayet to gain time, the superintendent might have authority to refuse one, the nature of the dispute speaking for the reasonableness of the denial.

In cases of wuttun a punchayet before the got, or people of the same employment as the parties in the same or other parts of the district is good; but in cases where there have been three or four punchayets formerly without producing any positive decision, and which have been still contested with various success, a new punchayet would appear almost hopeless. The members, who are only cultivators, are perplexed with the contrariety of the decision, and seldom succeed in settling the dispute. Then European agency is perhaps the best means of passing a final and full decision, particularly when the chief evidence is documentary, upon which the got are not properly competent to decide.

Suits for maintenance are properly made the subject of punchayets, but cases have arisen wherein the punchayets have decreed the division of property over and above the maintenance to which the plaintiff is entitled. Yet a punchayet, under certain restrictions to prevent any thing of the kind occurring, is the fairest as well as most delicate mode of procuring a due subsistence for the plaintiff; for an inquiry into the circumstances of the opposite party and of the family is necessary to enable them to decide the proportion to be given, according to the rank and circumstances in life of the parties.

The cases in which punchayets might be considered the legal and fixed mode of decision, are therefore, 1st, points of religion; 2d, customs of the country, of caste, or trade; 3d, division of property; 4th, old and intricate accounts; 5th, cases of wuttuns and hucks; and 6th, disputes for maintenance.

In these the advantages of a punchayet are, I think, very apparent.

The disadvantages of punchayets are slowness and unskilfulness, partiality and corruption.

The former is inherent in the formation of one and its forms of proceeding. Much more time is lost in choosing a Sur Punj than the members on each side, who are mostly oppointed without much trouble. It is always found difficult to choose an umpire, because upon him alone the casting vote, the whole decision depends. Neither party finds it difficult to name friends, and no rule now exists to prevent a person from sitting who has been chosen by either, or by the parties. Whether professional punchayets or not, they are generally, with few exceptions, mere pleaders for their own client. But an umpire is the judge, and if either party knows that the person named for it is acquainted with his adversary, it is sufficient reason for him to object to him. The remedy used here is to bind them down to a certain number of days, and if the time is exceeded to name one from Government, generally an Aumeen. This has the effect desired, and an umpire is named within the time. Besides the known habits of the natives as a check to a speedy decision, and the interest which

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one party often has to protract it by inducing his members to absent themselves, the forms under which a punchayet is carried on cause great delay. After the answer of the defendant has been obtained, the punchayet puts a number of poorsish or questions to either party for their own information, on any particular points; and very often a member of the opposite party takes this opportunity of cross-questioning the other by questions to the points of the parties cause, which give an opening for it; if not upon any other irrelevant matter he can find, as suits his purpose. Any unfortunate observation of one of the parties, perhaps relating to any thing rather than the matter in dispute, is met by his opponent or one of his members by a thep, which is equivalent to a challenge to prove the assertion thus hazarded, under a penalty of losing his suit if he does not. It is accepted often by way of bravado, to shew that he has no objection to fight the other upon any subject he may choose; and a refusal to accept this challenge and write the thep is too often construed by the punchayet to the disadvantage of the person refusing. Failing to prove the thep, though it may not in the least affect the pending dispute, is equally prejudicial to the party: not but what this thep is sometimes beneficial when it is demanded upon an assertion made to invalidate the other party's cause, or defeat any manifest falsehood connected with it; but it is unfortunately often converted into a means of injustice, or delay at any rate. The same system of poorsish and thep is employed in the examination of the witnesses, whose evidence is generally taken by the poorsish, and any discrepancy settled by thep. This is rather the effect of unskilfulness than of partiality, but is made subservient to the purposes of the latter.

Unskilfulness has been noticed above as one of the causes of the slowness with which decisions are arrived at, and has been attempted to be shewn in the nature of their proceedings. The unskilfulness of the mode of proceeding is taken hold of by those who are more cunning than honest, to distract the attention of long and irrelevant discussions from the matter in dispute; and what with the ignorance of some and the over-wisdom of others of the members, a dispute, simple in itself, is frequently rendered so confused as to require more time to unravel than it would to decide two original ones of the same nature. The voluminous proceedings are no doubt frequently caused from a desire in the punchayet to give the losing party, particularly when a violent or litigious and dissatisfied man, every opportunity of establishing the justice of his case, and perhaps more frequently to leave him no handle for crying out, as a native will always do, against the justice of their proceedings, but it causes great delay in the decision of the suit on which they are sitting.

The third objection, of partiality, must, I think, exist as long as the parties are allowed to choose their members as they please. Compulsion used towards the parties to make them name them, can only have the effect of making them produce them the sooner. Friends would still be chosen. The Mahratta custom was to make light of those members who appeared to act as lawyers for one party, rather than arbitrators between both, and to give a decision upon the other side, or call upon the same number of persons as were so convicted of partiality, to give their opinions on the case. The remedy, perhaps, is to allow of a stricter scrutiny into the dispute itself when finished, than is now permitted, and a power during the proceedings to check it by threats of changing the members if they persist in open partiality.

The last objection is corruption. This is a point difficult to prove, for two or three established cases will not be allowed as even presumptive proof of general corruption. But it seems strange, if it is not generally practised, that a set of men can sit for five, six, or seven months on a punchayet, subject to the open abuse, as is sometimes the case, of the parties whose suit they are trying, without getting anything or asking for remuneration for all their trouble. In the paper appointing the punchayets they are expressly told that if they will unanimously apply for remuneration, they shall get it, though not more than three or four instances have occurred wherein such has been asked for. Natives say that members sit because it is the custom of the country, and that they look forward to having their clients possibly as members on a future punchayet of their own, on the principle that one good turn deserves another. But it was, and is the custom of the country, and is almost inherent in the native character, to give presents, and this was a more natural inducement for them

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to sit in a punchayet now than under the former Government; but if the remuneration they had been used to expect and receive were done away, it is natural that there should be. Did they not enjoy the same sources of emoluments as formerly, I suppose that no person would willingly sit unless called upon by Government, which is now seldom obliged to exert its influence to procure a a man to sit. No other reason can, I think, be found to account for a number of persons devoting their time to sitting on punchayets, which many now do. A man may have no objection to devote some part of his time to one, but it is otherwise unaccountable that men of such indolent habits as natives should accept of the situation in two or three punchayets at a time, and for a continuance. It may be said that he does it not actually because he is corrupt, but for his trouble or for livelihood; but the man who undertakes a punchayet for a livelihood must sometimes, at least, submit to take the wrong side of the question, and the object of his sitting will not allow him to distinguish between good and bad, or to vote contrary to his interest. This becomes, therefore, in the end as bad as corruption.

A punchayet is often demanded by one of the parties for the evident purpose of protracting a decision. In intricate disputes, of whatever nature, it is not so easily perceived, nor is it of much consequence that it should be, when a punchayet is best qualified to give a good decision, as in those upon simple contracts, debts, and common suits of all kinds, where the cause of action shews there is no need of one. Under the present rules it is not allowable to refuse one; but with the exception of those suits formerly specified, it were perhaps as well that the parties should, unless unanimous in calling for a punchayet, be obliged to abide by the decision of a court or Aumeens, unless they choose some common friend or tirayet, who may be more easily stimulated by the Superintendent, is more easily induced to carry on his proceedings in the Cutcherries of the Government officers, and is a very useful instrument of justice on many occasions; a decision is also more easily and quickly obtained from them in almost all suits.

With reference to the advantage which may result to the file from giving punchayets, it does not appear that it would be kept down thereby, unless, indeed, a suit referred to one is considered as struck off from the date of a punchayet being appointed. This plan would not be practicable, consistent with the supervision which punchayets are to receive, for no proper record would remain for the Superintendent to judge by, and the diminution of the file would be more imaginary than real. It would be an incongruity to strike them off as referred to punchayets, and yet to have the Superintendent constantly sending for the parties, and in fact still carrying on the suit in court. This plan was most probably therefore never intended. Then if they remain on the file, it is to be seen whether one whereon the greater number are suits referred to punchayets would not accumulate much faster than the common Adawlut one. I suppose that no one gentleman devoting his whole time and attention to the superintendance of punchayets could bring more than fifteen per month to a conclusion; but the same person could decide between forty or fifty per month in the first instance. If this is the case, an accumulation of the file must ensue whilst punchayets are considered as the first and regular decision. If the limitation of punchayets to certain intricate and fixed cases is allowed, punchayets will become the exception to a general rule, whereas they now form the rule to which the decision by Aumeens and others of suits in the first instance forms an exception nearly as limited as that of punchayets would then be, for many suits which they are empowered to try under Rupees 200 are now referred to punchayets, because the parties demand one.

Considering a punchayet, when demanded by either or both of the parties in a suit upon any of the six points above-mentioned, as the mode by which they should have their disputes settled, I would recommend that the Superintendent should have the power to refuse one (unless both parties are unanimous in demanding it), in all common suits, if he sees either that it will cause needless delay and loss to either party, that it is merely demanded with a view to delay, or even under those six heads that the subject matter is not intricate, or such as to require any very laborious investigation. The punchayets will thereby be restricted to those suits only in which they are really of great use, the

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the file of causes will more likely be well kept down; the Superintendent having fewer punchayets to attend to will bring them to a speedier decision; parties will not run the risk of having their suits delayed as they often must be, by a reference to punchayets; and if the suspicion is true that punchayets are corrupt, many persons will be relieved from a tax which is unwillingly borne by them, but which they are obliged to pay in many instances with a really just view of defeating the object of their adversary, to cause delay, and of saving themselves much trouble and loss of time and money, by a little expense opportunely incurred to stimulate the punchayet to come to a decision. Punchayet being less made a trade of, one may be given on occosion with more hope of success, for professional and interested men having less opportunity of engrossing all sorts of judicial decision will be discouraged and kept down, and a door will be open, with more success, for calling upon respectable men to give their services to Government. They will run less risk of being confounded in men's minds with the interested and litigious men who now compose the generality of punchayets (encouraged by the facility which is given to their sitting upon all sorts of disputes), and the duty of a punchayet will be more respectable and perhaps more easy.

(Signed) H. BORRADAILE.

CHINTANUM LELEY, *the Shastree's Answers about the causes of delay of Punchayets.*

Shastree's Answers about the Causes of Delay of Punchayets.

When the parties are referred from the Aumeen to the punchayet, the Aumeen has no further control.

When a complaint is filed and the answer received, there is generally a long discussion about the mode of settlement, the plaintiff generally requiring that the Circar shall decide, and the defendant insisting on a punchayet.

There is a long file and I have little time, so that there is necessarily a balance unsettled.

How to settle expeditiously.

When a suit is referred to a punchayet, the punchayet ought to be bound to settle it within a given time, otherwise the suit to be rendered liable to be taken from before it, and referred by Government to any one person it may please to appoint.

I recommend that as soon as the plaint and answer are recorded, and any other preliminary papers, the plaintiff and defendent should be obliged to give a kutba and bail for its performance, that what each has stated is true, and that if found to be false they will submit to be fined.

This I think would make many settlements on the spot.

(Signed) CHINTANUM LELEY,

A true translation:

(Signed) H. D. ROBERTSON,
Provincial Collector.

KUCHOO APPAJEE'S *Statement, Aumeen of Poona.*

There is usually a delay in the attendance of the defendant, and in the obtaining of his answer.

The punchayet is never obliged to sit but when the members please, and they never fix on any time or days in particular.

There are two sorts of defendants with whom there is great trouble: one who acknowledge their debts but are unable to pay; one who have the means and are clearly indebted, but who insist on a punchayet where none is required, merely to protract the time of payment.

There

There is great delay by litigants who see a cause going against them becoming quite unruly, and insisting on a delay until a petition is presented to the Magistrate, under pretence of seeing if he will stop the proceedings.

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Shastree's Answers about the Causes of Delay of Punchayets.

(Signed) KUCHOO APPAJEE,

A true translation :

(Signed) H. D. ROBERTSON, Provincial Collector.

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VISHNOO KRISHEN, *Aumeen.*

Many plaintiffs after giving in their petitions stay away for many days, and when they re-appear there is considerable delay, from the defendant, who refuses or puts off giving an answer; and there is delay on both sides in collecting all the papers, so that a considerable time elapses before the business is prepared to be laid before a punchayet. It is recommended above all, however, that when all the papers are collected, and the list of evidences given in, that some penalty should be imposed both on plaintiffs, defendants, and witnesses, who do not attend when wanted.

I recommend strongly that the punchayet should be bound to a particular time to decide in.

There is great want of an order, authorizing Aumeens to settle off hand, or to reject a suit, the justice or litigiousness of which is clear. At present the most obvious cases are required by one or other of the parties, especially when he finds he is likely to be cast, to be submitted to a punchayet.

It is strongly recommended that persons sitting as members of a punchayet should not be permitted to do soon more than one punchayet.

(Signed) VISHNOO KRISHEN.

A true translation :

(Signed) H. D. ROBERTSON, Provincial Collector.

REPORT *on Punchayets, why they do not decide quicker, and also a project to expedite them. The sentiments according to order written as contained in the following paragraphs, by me, Anundrow Pundoorung Aumeen, formerly of the Adawlut.*

Project of Anundrow Pundoorung to expedite the Decision of Punchayets.

Why punchayets do not give quicker decisions and remain in the hand of the Aumeen.

1. The plaintiff and defendant having come to the Aumeen, they are asked whether they will have a punchayet; the one says, I am agreeable to the Circar's decision, the other prefers a punchayet. Should both consent to have a punchayet, the one says appoint it to sit in the bazaar, the other says, let it sit in the Adawlut. The Sirpunch named by the plaintiff is not agreeable to the defendant, and *vice versa*; on this account it takes many days.

2. Why, after a punchayet is appointed, a determination does not quickly take place. The members of the one party duly attend, and the other party members absent themselves; should they however allbe present they have no intention to do justice, for they take a decided partiality for their own party, which causes delay.

3. It often occurs that the punchayet cannot readily obtain a statement of the circumstances from the parties. Should they however give a statement, it contains any thing but relevant matter, or when asked any questions their replies are not at all to the point.: direct or proper answers they will not give; hence delay in the proceedings. Suppose that the punchayets were desired to decide quicker; then the members are generally idle persons who are without employment, and not under the controul of government; hence delay. A project or rescript to obtain speedy decisions from punchayets are written in the following paragraphs :

 1. From

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Project of Anundrow Pundoorung to expedite the Decision of Punchayets.

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1. From a petitioner take hoozzoor zumeen, and then number his petition; if he cannot give hoozzoor zumeen, write so on the back of the petition, and return it to the petitioner. The use of taking bail is as follows: on the complainant's urzee, his opponent being summoned, a punchayet assembled and the investigation proceeding, he perceiving it to be going against him, may otherwise abscond or conceal himself: the decision then being given for the defendant, the expenses of the punchayet, the defendant's own, and what other expenses should be paid by the plaintiff, and the defendant's papers as well as the plaintiff's should be handed over to the defendant. On this account bail should be taken.

2. How to summon a defendant.—Should he be at his village, send a note to him by a Sepoy; in this note state that such a person has complained against him; that to answer the complaint he must repair, on such a day and hour, to such a cutcherry. This chit the Sepoy must take to the peth where the defendant resides, and having called together the Wuttundars, Shettees, Koolkurnees, Potails Chowgullas, or such of them as can be found, before them show it to the defendant. The defendant having seen the note, let him write upon it according to his custom, acknowledging its receipt by such a Sepoy, at such a day and hour, and before such and such persons; and let such as were present sign as witnesses. This note is then to be brought back by the Sepoy and delivered to the Circar. Should the person summoned not be at home, or being at home conceal himself to avoid acknowledging the summons, the Sepoy is then to fix the summons to his door, stating the cause in presence of the Shettees, Mahajuns, Koolkurnees, &c. as witnesses; then taking a note from the Koolkurnee, stating what had been done, bring it back to the cutcherry. Why the note is to be taken.—The person to whom the Sepoy is sent may succeed in avoiding a meeting with him for many days; however, should the Sepoy succeed in seeing the person summoned, how many under such circumstances would give paun soparry to the Sepoy to induce him to state that he had not met with him? how many would say they would come afterwards, and would not come after all, or would make some difficulty about coming? Should the Sepoy of his own accord oblige him to come, and the person being a female, a person of character, or a great man, a dispute would take place, and a complaint would be preferred to the Circar that the Sepoy had taken away their character, with many other complaints; out of this another punchayet might arise, when these people would have five or ten evidences ready to give any kind of evidence in their favour, while the poor Sepoy would have no evidence to adduce in his favour. Should no contention take place, and the Sepoy return after having delivered his message, the persons summoned would not readily obey the summons, and it would require to send a Sepoy to him twenty-five times perhaps, as he would always try to conceal himself. Should he however be met with, and because he did not come soon a decision was given against him, he (the defendant) would say that the Sepoy never came to him with any message before, adding, now that he has delivered it, I am arrived here to-day, and there would be no writing to contradict him. For this reason a chit, on the back of which let the receipt of it be acknowledged before witnesses, and then brought back; should the defendant then not come agreeably to the summons, either fining him, or letting judgment go against him, would be easy and justifiable; and it would not be required to send the Sepoy ten or a dozen times.—This is my opinion.

3. After the respondent has made his appearance, let him reply to the urzee against him, and should he assent in writing to all that has been alleged in the urzee, then according to the term thereof let judgment go against him.

4. Should the defendant not admit the urzee, then take bail from both parties, as well as a written narrative of circumstances, with all vouchers, otherwise names of evidences; having done so, ask both parties in what way they will have their cause tried. Should they both prefer trial by the Circar, then take a razeenamah from each, and let that Aumeen through whom the petition was preferred try the cause, and decide justly.

5. Should one party be for a punchayet, and the other prefer the Circar, take a razeenamah from each to this effect. He who prefers a punchayet let him bring both his members, and for him who leaves his case with the Circar, let

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let the Circar appoint the remaining members, including the Aumeen in person as Sirpunch. He who leaves his case with the Circar is not to be obliged to bring his punch. All the expenses of the punchayet to be paid by the party who choose trial by punchayet.

6. Should both agree to trial by punchayet, then write down the names of the members chosen by each, and let the Sirpunch be the Circar Aumeen. The reason why the Aumeen should be Sirpunch: it is requisite that both parties should agree in the appointment of a Sirpunch, and one nominates such a person who is objected to by his opponent, who names another. Should the Circar retain the privilege of appointing the Aumeen as Sirpunch, then neither party has room for objection; and besides, it was the custom* of the Circar in former times to appoint the Sirpunch. I understand it is written in the Hindoo Dhurum Shaster, that in all cases the Rajah in person along with four learned men sat to do justice, but as he could not get through the whole himself, he subsequently delegated the power to other persons of character, and capable of administering justice. If according to the custom of the country a punchayet agreeable to all parties be assembled, and the Sirpunch be appointed by the Circar, it will appear that the Shaster and the custom of the country are both respected. Should a person without employment be appointed Sirpunch, he will do just as the other members do: as a person connected with, and in fear to Government would act, is not to be expected from a person without employment. Besides, if the Circar Aumeen is appointed Sirpunch, he has power in his hands, and if the punchayet meet with interruption in any of its proceedings he will make such arrangements as are fitting to expedite a decision. Lastly, should the subject of the punchayet sooner or later be made the subject of an appeal, a person versed in the circumstances should be at hand to make inquiries of the members, because all persons without employment go away where they please; on this account it is requisite to have one member of a punchayet always in the pay of Government; this is my opinion.

7. When the plaintiff and defendant bring their members to the Circar to have their names written, what kind of persons are required? They ought to be such men as have been employed in business, and have had experience of affairs, who can appreciate evidence, and who understand accounts, and who can balance opinions so as to insure justice; men of character, who will attend at the sirkarwarree at fitting hours.

8. Not to be admitted as members of punchayets.—No great Sirdar, or wicked or common person, even though very clever and willing to sit on one. The reason why a Sirdar should not be allowed to sit is, that if he did not comprehend the affair, the other persons might be diffident in explaining it, or in differing from him in opinion, if he should take up an erroneous understanding of it. The objection against a low person is, that a man of caste would not sit with him; the objection to a wicked person is, that he would do injustice from laziness or corruption.

9. Punchayet should sit in no other place than the Circar's cutcherry, to act as a check against evasion; because, if the plaintiff and defendant are asked any questions by the punchayet, they will not give direct or proper answers. One says he will to-morrow, and in this manner procrastinates. The plaintiff and defendant occasionally absent themselves altogether, and a punchayet entirely composed of persons not in the employment of Government has no power over them. Punchayets should therefore sit where the Aumeen is, instead of in the bazaar or pergunnah, where he cannot be to give them instructions. If the punchayet sits in presence of the Circar, and any hindrance takes place, an order can be readily given, and the punchayet will not be delayed.

10. When once a punchayet is resolved on, the parties must give in a paper, stating that in a certain number of days they will assemble their punch, which if they fail in doing they must agree to the Circar appointing the punchayet.

11. A written agreement to be taken from both parties to the following effect: one month from the day that the punchayet is appointed, if the whole of the members be of one mind and come to a decision, good and well, but if not,

* This is very true.

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not, and they disagree among themselves, prolong it beyond the time, and make two different yads (memorandums), then the Sirpunch examines and settles it agreeably to custom. One of the parties may be dissatisfied with the Sirpunch's decision, and in this case, let security be taken from him to the amount of the decision against him, and let a certain number of days, fixed by the Sirpunch, be allowed him to make an appeal; the result of which if he does not bring within the period fixed, then the original decision he is to admit to go against him. A mochulka to this effect to be taken from each.

12. A razeenamah being written and taken, and the punchayet commenced, if the person has left his case with the Circar, and the affair is of importance, the punchayet should be finished within two weeks.' For the party who prefers the punchayet, from the date of its sitting the Punch and Sirpunch must come to one mind, and decide within one month; but if they cannot agree, and are disputing with one another, make out two different yads: if the Sirpunch is the Circar Aumeen, he can examine them, and on that yad to which he affixes his signature let that be confirmed. But if the punchayet, being of great consequence, cannot be decided in that time, allow six weeks, but never above. Why the yad on which the Sirpunch's signature is affixed should be confirmed. Should they sit disputing, the Sirpunch will hinder them, and reconcile them to one another by his authority; and as those persons who receive pay from Government will act, those who are without employment will not, unless an appeal be made, the decision of the Sirpunch should be considered final.

13. The determination having taken place, let it be shewn to both parties; and if they both admit it, take their signatures: but if one does not, bid him prefer his appeal to the Sudder Aumeen.*

14. He who wishes to appeal, let security be taken from him for the amount, and give him a certain time to make it in.

15. The appealing party having given security, and stated his intention of appealing, take it under his own writing at the bottom of the proceedings, that if he does not get the decision reversed within the period allowed the decision is to take effect against him. A copy of this agreement to be given to each party, and a copy kept with the Circar. If the cause is of importance give a period of fifteen days to make the appeal, but not above.

16. Should he agree to make an appeal, and refuse to give security, or decline to say whether he will appear or not, or withhold his signature to the decision against him, then take witnesses to this end. Let the decision of the punchayet take place against him.

17. In every alteration, if there is any one person well acquainted with circumstances, let him be summoned to the Circar, and having examined him as to his knowledge, let him give a statement under his own writing; if he declines to give any thing under his own writing, let him be fined for his contumacy. Let the fine be agreeable to the importance of the business and the rank of the person. When there is no gentlemen present, a Mamlutdar or Aumeen should be restricted in their fines to ten rupees.

18. In questioning the plaintiff and defendant, if one of them refuse to answer, then bring in practice what is written in the seventeeth paragraph.

19. If the complainant does not make his appearance for six weeks after preferring his complaint, let his hoozzoor zumeen be called and warned to call his principal. If he does not make his appearance in one week, then take a writing from his bail that he has not made his appearance from such a date and reject his urzee, and whatever expense has been incurred by the defendant take from the plaintiff's bail. If the plaintiff should afterwards make his appearance, and it shall appear that business of importance prevented him coming before, take his affairs into consideration, otherwise not.

20. The defendant being sent for, if he does not make his appearance in two weeks without any apparent cause, then the Aumeen is to inquire into the plaintiff's urzee, and decide accordingly. If, however, the party comes afterwards,

* There is no Sudder Aumeen in Poona.

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wards, and makes it appear that he was detained by business of consequence, then let the punchayet be assembled.

21. Whoever has his name written as a member of a punchayet, must attend it every day, Monday's excepted, from twelve o'clock to three, and must not fail.

22. The party who loses the cause is to pay all the expenses incurred by his opponent. Why? because it will prevent groundlees complaints being preferred.

23. The punchayet, the Aumeen, or Mamlutdar, having given a decision which does not satisfy one of the parties, he should make his appeal in the hoozzoor cutcherry, and a Brahmin of character, who is learned in the Hindoo Dhurm Shaster, or experienced in business, should be directed to look over the case and state his opinion in quality of Sudder Aumeen. For the office of Sudder Aumeen, a bhut who simply understands the shaster should not be appointed; a person who understands business and not the shaster is also unfit; a knowledge in the language of the country as well as of other countries should be required. The Sudder Aumeen to investigate causes appealed above 1,000 rupees, and to try causes under 1,000 rupees.

(Signed) ANUNDROW PANDOORUNG,
Aumeen.

ABSTRACT *of the Population of Poona, Ahmednuggur, Candeish, and Darwar.*

	Names of Families.	NUMBER OF HOUSES. Terraced.	Tiled.	Thatched.	Total of Houses.	State Shops.	INHABITANTS. Male. Men.	Boys.	Total.	Female. Women.	Girls.	Total.	Total of each. Men and Women.	Boys and Girls.	Total.
Poona	63,398	16,608	14,190	29,341	60,139	1,158	86,188	64,448	1,50,636	96,637	37,534	1,34,171	1,82,825	1,01,982	2,84,807
Ahmednuggur	90,217	46,254	8,821	26,243	81,318	2,248	1,32,016	87,362	2,19,378	1,35,020	54,326	1,89,346	2,67,036	1,41,688	4,08,724
Candeish	1,03,374	53,442	9.207	34,560	97,209	1,146	1,38,295	85,408	2,23,703	1,37,920	56,398	1,94,318	2,76,161	1,41,815	4,17,976
Dharwar	1,49,152	92,916	6,015	54,880	1,54,611	3,002	2,26,439	1,31,865	3,58,304	2,25,704	95,185	3,20,889	4,52,143	2,27,050	6,84,193
Total	4,06,141	2,09,220	38,233	1,45,024	3,93,277	7,554	5,82,938	3,69,083	9,52,021	5,95,281	2,43,443	8,38,724	11,78,165	6,12,535	17,95,700
Sattara	1,53,978	33,424	41,849	61,182	1,36,453	2,441	2,34,912	1,59,094	3,94,006	2,45,517	96,761	3,42,278	4,80,429	2,55,855	7,36,281

Continued ......

CATTLE.

...Continued.	Bullocks. Full-grown.	Young.	Total.	Cows. Full-grown.	Young.	Total.	He Buffaloes. Full-grown.	Young.	Total.	She Buffaloes. Full-grown.	Young.	Total.	Sheep. Rams.	Ewes.	Total.
Poona	1,15,869	34,035	1,49,901	67,792	42,296	1,10,088	6,209	4,625	10,834	22,727	12,498	35,225	5,039	25,203	30,242
Ahmednuggur	1,57,275	54,733	2,12,008	1,19,591	78,829	1,98,420	10,459	6,564	17,023	29,385	17,412	46,797	18,300	96,599	1,14,899
Candeish	1,09,087	71,470	1,80,557	1,31,342	97,391	2,28,733	3,743	7,708	11,451	39,270	25,227	62,497	16,083	44,309	60,392
Dharwar	1,97,057	7,05,752	6,76,632	1,36,697	1,02,252	2,38,949	20,772	10.312	31,084	73,797	45,260	1,19,057	27,838	82,198	1,10,036
Total	5,79,288	2,30,813	8,10,101	4,55,422	3,20,768	7,76,190	41,183	29,209	70,392	1,63,179	1,00,397	2,63,576	67,260	2,48,309	3,15,569
Sattara	2,17,203	81,780	2,98,983	1,53,553	1,06.263	2,59,821	28,003	12,968	40,971	63,743	38,308	1,02,051	31,505	1,92,242	2,23.747

Continued....

ABSTRACT *of the Population of Poona, Ahmednuggur, Candeish, and Dharwar.*—Continued.

	CATTLE.														
	Goats.			Horses.			Mares.			Tuttoos.					
Continued	He.	She.	Total.	Full-grown	Young.	Total.	Full-grown.	Young.	Total.	He.	She.	Young.	Total.		
Poona	2,249	10,852	13,101	242	192	434	1,005	472	1,477	2,761	2,929	987	6,677*		
Ahmednuggur	4,612	21,573	26,185	405	232	637	1,298	565	1,863	4,490	5,888	2,254	12,632†		
Candeish	22,808	60,725	83,533	241	77	318	555	248	802	2,493	3,702	1,723	7,915		
Dharwar	21,646	39,266	61,112	428	105	533	565	201	766	1,792	2,109	642	4,543‡		
Total	51,515	1,32,416	1,83,931	1,316	606	1,922	3,423	1,486	4,909	11,536	14,628	5,606	31,770		
[illegible]	6,510	37,237	45,847	747	321	1,068	2,345	677	3,022	5,304	6,856	3,336	15,506		

(Signed) J. MACLEOD,
First Assistant.

* Exclusive of the city of Poona and alienated villages.

† Exclusive of all foreign territory and the late Cessions from the Nizam, and also of wandering tribes.

‡ Exclusive of the principal Jagheers, and of the late Cessions from the Nizam.

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INSTRUCTIONS *relative to the mode of making the* RYÔTWAR SETTLEMENT *of Villages.*

1. There are two modes which are most commonly observed of making the the ryotwar, or as it is sometimes called, the koolwar settlement of villages. The first is, to fix the amount of the settlement of the whole village in the first instance, and afterwards to distribute in detail the constituent parts of it amongst the body of the Ryots. The second is to settle the rent of each individual Ryot, and the whole being completed, to form, from the aggregate, the jumma or beriz of the village; either of these modes may be adopted, as may be most convenient and best calculated to secure the interests of Government and of the cultivators.

2. In following the mode first pointed out, it will be requisite to inquire what has been the settlement of the village in each year, for a long succession of preceding years under former governments; and to ascertain how far the annual amount has been reasonable or otherwise. The extent of land actually cultivated, and the principles on which the rates of assessment are determined, are the next necessary points of investigation; and the present condition of the village with reference to these circumstances being compared with its past resources, a tolerable estimate may be formed as to what should be the gross settlement of the year. The settlement should be made accordingly, inclusive of umuls, hucks, village expenses, and other items of deduction. No other items for babs, whatever should be collected, except such as may be comprehended in this settlement; which being confirmed by the Collector, a mouzewar or village puttee should be granted to the Potail, and his mochulka exchanged for it.

3. The village settlement being thus formed, the koolwar or individual repartition of it should, as far as time will admit, be made by the Collector's cutcherry; but as the operation can be only partially accomplished, the remainder must be completed by the Mamlutdar and his establishment, under strict injunctions to that officer, not to leave the duty to be performed at the discretion of the district or village functionaries.

4. In making the koolwar settlement, Mamlutdars must take complete accounts of the state of the cultivation, as entered according to the usage of each village, in the account called the zumeen thara, or general account particular of the lands, which exhibits what is waste and what is under tillage. This must be compared with the state of the cultivation of the preceding year, and the Potail and Koolcurnee of the village should be held responsible for furnishing the account with fidelity.

5. In order to check abuses, it may be proper to state the most common modes in which these accounts of the cultivation are falsified by the Koolcurnees. Lands under tillage are sometimes entirely left out of the account.

Persons contributing to the mohturfa or house-taxes are omitted.

Quit-rent, enam, puttee, and other items of rent payable to Government by the village officers or others holding wuttuns, are excluded.

A portion only of the full rent paid by the Ryots is shewn, and the rest kept back.

Lands lately reclaimed are continued in the account as waste or fallow.

Extra lands cultivated by the Potails and Koolkurnees, or by their relations or favourites, are often not brought forward at all, or are brought into account at a very low rate of assessment.

Government lands are newly entered as enams, which are often held or granted by the convenience and collusion of the village officers.

Arable lands actually ploughed are represented as grass or pasture lands, and deductions claimed accordingly.

And lastly, dry lands cultivated as baghaet or horticultural are inserted at the dry land assessment.

6. The occasional examination and comparison of the monthly returns, which are rendered by the Shaikdars to the Mamlutdars of the cultivation within their respective ranges, will, in some degree, check these frauds.

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7. The Mamlutdar, when he suspects the existence of these frauds, should depute a special Carcoon to examine the accuracy of the returns on the spot, or if the case be of sufficient importance should repair thither himself for that purpose; and should it be customary to measure the land, should of course adopt that expedient.

8. Any concealed resources may however, in general, be discovered through the agency of some of the partners in the Potail or Koolkurneeship, amongst whom some jealous enmity or rivalship always subsists.

9. In making the koolwar, much assistance may also be obtained from the Ryots themselves, if judicious measures be adopted. They should be invited to come forward and state any abuses, such as have been described in the fifth paragraph, under an assurance that the amount shall constitute a part of the settlement already fixed for the village for the current year, that no addition shall be made to it, and that consequently they will profit by a reduction in their rents in proportion to the amount of the discoveries; that, on the contrary, if they connive at the concealment, the amount will be collected over and above the settlement that has been already fixed. The advantage of making the disclosure being satisfactorily made known to the Ryots, they will generally give the fullest information of concealed resources; the value of which being this year deducted from the original beriz, may be brought to the account of Government next year.

10. In some parts of the country it is the custom to form the settlement on an estimate of the crops. In this case it will be necessary to choose the proper seasons for making the koolwar assessment, since the amount will so much depend upon the period of performing this operation.

11. The rates of the assessments of the various sorts of land, with reference to the tenures under which they are holden, whether they be meeras lands, or lands held on a fixed or variable cowle, differing in almost every village, a very minute scrutiny into the practice of former years is essential, with a view to an equitable adjustment of individual rents. The standard or original rent ascertained, the various descriptions of puttees or extra copies, require an equally minute investigation; but the utmost caution is requisite to keep the assessment so moderate as to prevent the risk of diminishing the cultivation of the succeeding year. To this end, and to obviate any difficulty in realizing the collections, the ability of the Ryots to pay the full rent of the land cultivated by him must be taken into consideration; but the Ryots themselves are the only persons capable of judging of each others circumstances. To avoid cavil, therefore, hereafter, they should be told that any deficiency of the settlement now made, whether from poverty or other causes of failure, will be raised by second assessment upon the whole village. This declaration will induce them so to equalize the rents with reference to the actual condition of each other, as to preclude the necessity of frequently resorting to this expedient. This equalization must not, however, be left entirely to the villagers themselves without any interference, lest the burthen, through enmity or partiality, be thrown upon those who are ill able to support it. Indeed it occasionally happens that the Ryots do not possess the ability to make the koolwar amongst themselves without the aid of the Government officers, whose experience and judgment are required to guide them in making a settlement that shall be satisfactory to all parties without sacrificing the interests of Government.

12. It is usually expedient to make all the Ryots jointly responsible for the rent of the village, by taking from them what is called zunjeer zumeenee, by which each becomes surety for the other; but much strictness in regard to individual security, by arresting the crops, or other means, need not be observed, as the whole village is considered, according to the general practice of the country, answerable for deficiencies.

13. Each Ryot should have a pottah under the seal of the Collector, specifying the extent of land occupied by him and its assesment, including the several puttees or extra cesses imposed upon it. The pottah should be drawn out according to the accompanying form. The mochulka of all the Ryots may be taken upon one piece of paper, containing the particulars of the rent of each Ryot, whose mark or signature should be affixed against the amount

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by way of evidence of his assent to it. The granting a pottah to each individual is a great security against extra levies, to which the inhabitants have been subject under former Governments, and it should therefore be particularly attended to.

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14. The shares of Huckdars, or others possessing right to portions of the revenue, together with the gaum khurch, or village expenses, must be deducted and allowed for, according to the established usage, out of the amount of the total settlement of the village; not a fraction should be permitted to be levied from the Ryots beyond the sum entered in their pottahs. The greatest care is requisite to ensure the observance of the rule; and any breach of it should be punished by a fine of double the amount of the unauthorized levy, besides restitution to the owner of the sum so taken.

15. If the Ryots voluntarily choose to club together to defray the expense of any religious ceremony, they should be at liberty to do so, having previously solicited and obtained, through the Mamlutdars, the Collector's authority for that purpose; but the Potails and Koolcurnees must on no account take upon themselves to exercise their discretion in this particular, for any latitude would afford an opening for unlimited abuses.

16. Should any balance remain outstanding after the Koolwar settlement has been made, the Collector, with reference to existing usages and to the circumstances of the inhabitants, will judge of the propriety of levying the amount by means of a second assessment. Second assesments for deficiencies should never be laid on without the express authority of the Collector.

17. Where the accounts of a village are incomplete and all the details of its resources are but imperfectly known, it is best, perhaps, to form the settlement of the village in the gross in the first instance; because the revenue which it has annually paid is tolerably well known to all its inhabitants, and it becomes easy to ascertain, either from the specific information or from the general sense of the community, whether the terms fixed be equitable or excessive. But when satisfactory details of the former collections are forthcoming, and the rates of rent payable on each sort of land are ascertained by authentic accounts, it is better for each individual that the Koolwar should precede the Mowzewar settlement; because by that mode what every one has to pay is at once defined, and it is more advantageous for Government, because the whole of the resources of the village are in the fullest manner brought to light, and the condition of every part of the population is accurately developed. But as the Koolkurnees' accounts are never to be depended upon, and as every cultivator is accustomed to object to the amount of his rent, the difficulty and delay of settling first of all with each individual is often a very serious obstacle to this mode of conducting the settlement. It is, therefore, usually preferable to form the settlement by villages previously to commencing the detail; for the amount being once determined, the partition of it becomes a matter of no great difficulty, as both the Potails and the cultivators knowing the sum which Government has resolved to raise, generally distribute the proportions of each person with more fairness than could be done by the Collector's cutcherry servants.

18. In apportioning the Koolwar after having fixed the beriz of the mouza, should any difficulty occur in making the distribution, whether on account of the poverty of the Ryots or on account of any excess of the settlement arising from error, misinformation, or failure of crops, such reduction must of course be made by the Collector, as may appear to him expedient, with a view to obviate the distress and future loss of revenue which invariably result from over-assessment. It must always be recollected that it is better to be below than above the proper scale in assessing villages; for one year's excess above what the village can easily pay is seldom to be retrieved by three of subsequent indulgence and moderation.

19. The jummabundy settlement being formed from the cultivation returns furnished by the Potails and Koolkurnees, any concealed resources that may be afterwards disclosed are to be added to the amount; except such part of them as may have been discovered from the information furnished by the Ryots themselves, which, as before recommended, should form a part of the settlement already concluded. A rigid adherence to the rule of adding to the

settlements

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Instructions relative to the Mode of making the Ryotwar Settlement of Villages.

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settlements all concealed items of revenue need not be observed, where the general circumstances of the village may be so narrow as to suggest the expediency of a more indulgent proceeding.

20. Receipts should be given in all the gradations of collection, but above all by the Potails and Koolkurnees to the Ryots for each instalment of their rent, specifying the coins received and the date of payment. The receipt for all the instalments may be written on one piece of paper, which should specify the coins received and the date of the several payments. In making the koolwar, the amount of the rent of each Ryot should be compared with the receipts for sums which they may have already paid on account of the current revenue.

Form of Koolwar Pottah.

Pottah, or lease, granted to Ramjee Mahrattta, of the village of Lonee, in the Huwelee turruf of the talook of Poona.—You are to pay to Government for the current fusly 1230, corresponding with the Arabic year 1221, on account of three fields of zerayet of dry land, cultivated, consisting of 25 beegahs .... Rupees 24 12

Particulars of the above:				
Chalee land, 10 beegahs .... Rupees	15	0		
Kolgoolkee, 10 ditto	5	0		
Black land, 10 beegahs held on istawa cowl, commencing 1224 and ending on 1224, *viz.*				
For the First year .... Rupees	3	2		
Second ditto	7	8		
Third ditto	11	4		
Fourth ditto......................................	15	0		
Garden land, or baghaet, 3 beegahs			24	0
Add kurba puttee, or extra cess for straw, at the rate of two ann asper beegah for chalee land			1	4
			50	0
Pecuniary payments:				
Buffalo tax on two buffalos...			2	0
House tax			4	0
			56	0

The fifty-six rupees above specified you have agreed to pay to Government, you must accordingly discharge the same in the periods fixed for each instalment, and take your receipts accordingly from the Potails and Koolkurnees. You are not to pay more than the sum stated in your pottah, the whole of the Ryots of the village having entered into security or jungeer (*i. e.* have become responsible for each other), for the discharge of the settlement as it has been individually distributed amongst them. Any deficiency that may ensue from poverty or other causes of failure, will be realized by means of a second assessment upon the village.

Dated 10th December 1820.

MEMORANDUM :—The above pottah is given as a form for your guidance; but as the customs of villages are not uniformly the same, such alterations may be made in regard to swasthee, ockhty, and some other tenures, and to the extra cesses, as well as in respect to the measures of land in use, as may appear necessary with reference to local peculiarities.

The condition respecting the second assessment for deficiencies is inserted with a view to check needless demands for remission, but I do not wish it to be acted upon, except in cases when the practice has been before observed; and it must then never exceed five per cent. upon the settlement. Where such second assessments have never before been made, this part of the pottah may be omitted altogether.

(A true copy,)

(Signed) JOHN WARDEN,
Assistant.

To

Mr. W. Chaplin, 21 March 1822.

WM. CHAPLIN, Esq., *to the* COLLECTOR *of* POONA, *Dated 21st March* 1822.

Deccan.

SIR:

1. I have the honour to acknowledge the receipt of your letter of the 23d December, relative to the question of exacting the hucks of Huckdars and the gaum khurch, over and above the kumal assessment.

2. In reply I beg leave to state to you my opinion, founded on inquiries in the districts and on accounts in the duftur, that the gross revenues of the village have very generally, if not universally, been charged with the payments to Huckdars, and with the contingent village expenses, before the revenue payable to Government was fixed or determined. It appears also that the kumal beriz constituted the Government rent of the village, and was, therefore, exclusive of the Huckdar's rights or village charges.

3. It must, however, be clearly understood, that these charges are defrayed out of the gross collections (kucha abhar) of the villages: in which gross collections are usually included every item of produce, whether arising out of the rents of the lands payable according to the customary rates (dhurs), or out of the various puttees, exigible according to usage from each village. In the gross produce are also comprehended the mohturfa, or taxes on trade or professions. This gross produce is chargeable, as already observed, with the payments to Huckdars and other usual gaum khurch village expenses; the amount of which being ascertained by a strict inquiry into what may be justly due, is divided, and the remainder constitutes the net rent or revenue payable to Government. This remainder, when it has been at its highest amount, has been assumed as the kumal maximum rent.

4. The rents of the Ryots individually do not appear to me to have been distributed in detail with reference to the kumal settlement of the village. The kumal has rather been regulated, or formed out of the aggregate of the rents of the cultivated lands and other sources of revenue, existing at the time it was established, after deducting from the total the village charges or assignments upon its revenue for the payment of the dues of the village or district officers, or other village namnooks.

5. From this view of the kumal, it may be concluded that wherever the dhurs or rates in use at the time the kumal was fixed have been lowered, they must be again raised to their old amount before the full kumal standard can be realized.

6. I am clearly of opinion that, in order to prevent abuses, every item to be collected from the Ryots should, on making the settlement of the village, be added to the gross jumma. From that jumma, the authorized charges, according to established legitimate usages, should be deducted, by which process there can arise no ground of complaint on the part of the Ryot, nor any risk of loss on the part of Government. The deductions adverted to being made, the balance will constitute the Government Revenue, which if it falls short of kumal, can be raised to that level by promoting the cultivation of waste lands, by reverting gradually to ancient dhurs, or rates of land assessment, and by retrenching with judgment and moderation such part of the village charges as may through abuse have become excessive or exorbitant.

7. If, however, a practice different from what I have described has anywhere partially obtained, according to which a separate tax upon each Ryot, over and above the usual dhurs or rates of rent, has been levied purposely to cover the charges of Huckdars and village expenses, it cannot be considered a grievance to continue it, provided at the time of the settlement the amount be defined, added to the jumma, and then specially appropriated to the object for which it was intended. I do not think that any such practice will be found generally to prevail; but it is obvious that where it exists, the dhurs or rates of rent must have been fixed on a low scale with reference to the circumstances of these extra burthens, for otherwise they could not possibly have been borne, consistently with the degree of prosperity which is actually enjoyed by the cultivating classes.

8. In the course of my late tour I have had occasion to observe, that very little uniformity of system has been observed by the Collectors in making the deductions adverted to in this letter.

9. It

Revenue Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Mr. W. Chaplin, 21 March 1822.

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9. It appears that the practice observed in the Ahmednuggur districts is to allow, on account of gaum khurch, six per cent. on the gross settlement, out of which all allowances to pagodas or religious ceremonies, and for wurshasuns and other fixed payments are discharged, and the balance, whatever it may be, is appropriated to petty village charges. By this arrangement, whenever it so happens that the fixed payments of the description adverted to are large, the less sum is left for petty village expenses; and *vice versa*, when these payments are small, an unnecessarily large amount is left for petty village disbursements.

10. The sum thus deducted appears to be greater than is absolutely necessary; and the whole amount being disbursed at the discretion of the village officers, a field is left open for its misapplication. Some precaution appears therefore to be requisite to guard against this abuse: with this view I would recommend, that the items of the gaum khurch be put on a more definite footing than they now are, by fixing the allowances to temples, and the wurshasuns, wages of peons, &c. permanently; the two former with reference to the payments of past year, and thel atter according to the number of Peons required for the village service. This being determined, a further sum should be set apart for petty village contingencies. It is not easy to decide what may be a sufficieut fund for this purpose, but my inquiries lead me to think that they might be regulated by a scale, which should give two and a-half per cent. to all villages under two thousand rupees revenue, of two per cent. to villages from two thousand to ten thousand rupees revenue, and of one and a-half per cent. to all villages above ten thousand rupees to twenty thousand rupees and upwards. Under this plan, a village of twenty thousand rupees would have three hundred rupees for its petty charges, which adverting to the nature of the only expenses which are now usually incidental to villages, seems abundantly ample.

11. The sums set apart as memnooks, or fixed payments from the village, should be paid by the Mamlutdar to the persons entitled to recive them, whose receipts should be separately taken.

12. The sums allowed to village Peons for various village ceremonies, for petty village charges, may he left, as at present, with much propriety, to be disbursed by the village officers, who should, however, be made to render an annual account of the same to Government.

13. In addition to the six per-centage adopted in Ahmednuggur, as abovementioned, other deductions are allowed on account of the hucks of Jemadars, Potails, Koolkurnees &c., which are also disposed of by the village officers. Jemadars of weight and consequence, who have opportunities of communicating with the Hoozur, get their full share of these rights; but I understand that individuals who have minute shares of them are frequently defrauded of a part, and are moreover often very irregularly paid. The whole ought therefore, in my opinion, to be collected and paid by the Mamlutdars.

14. On examining the payments to Jemadars, there is in many cases ground to believe that they receive more now than they did under the late Government. This circumstance should be inquired into, and the amount regulated by the past receipts, as far as they can be ascertained.

15. According to the arrangement now proposed of separating the fixed payments from the contingent village charges, it will be necessary to enter into a comparison whether the aggregate will fall short of or exceed the sum at present allotted, and that you should report the result before carrying the plan into execution.

16. There are some substantial reasons why the allowance for petty village expenses should not now be so great as they were under the late Government; these are, that the village officers have not now to provide for the entertainment of either great Sirdars, Mamlutdars, and other district officers, nor are they saddled as formerly with any public or private contributions. As they are now relieved from these disbursements, the per-centage I have suggested will probably be found sufficient to cover all reasonable village expenses; but

 I request

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Mr. W. Chaplin, 21 March 1822.

Deccan.

I request to be favoured with your opinion when exhibiting the comparison desired in paragraph 15, as to the sufficiency or otherwise of the sum which I have recommended

I have, &c.

Poona, 21st March 1822. (Signed) Wm. CHAPLIN.

LIST of the principal Puttees or extra Cesses levied beyond the regular Assessment, some of which are levied on the Land, some on the Village, and some on the individual Ryot.

List of the principal Puttees or extra Cesses levied beyond the regular Assessment.

In the Poona collectorate they are as follows:—

1. Gulla Puttees.—Grain taken from the Collector, at a rate under the bazaar price, for the supply of forts or of the Government studs. The payment of any price at all has in some instances been disused, and the impost is therefore in such cases wholly an extra cess. In the Peishwa's time this was sometimes levied in grain, sometimes in money; it is now taken in money only.

2. Toop Puttee.—This was originally a cess in clarified butter, the price of which is now taken in cash instead of it.

3. Kurbee and Surum.—Straw levied as forage for cattle, the price of which is now levied.

4. Ambara and Taga.—Ropes taken for binding horses, the price is now levied.

5. Ditto, ditto, ditto.

6. Gawut Beegar.—Grass cut and furnished gratis by the villages for the Circar's cattle, the value now exacted in money.

7. Khurch Puttee.—A money cess.

8. Karsaee, *viz.* Firesticks, logs of fire-wood, grass and leaves for thatching. —For the supply of forts. The whole of these converted into money, and levied in cash.

9. Dusra Bukra.—A goat at the Dussera, the price now taken.

10. Churmee Jora.—A pair of shoes, originally from the Chambaur, now the value levied from the Ryots.

11. Tilsunkrat.—Offering at the Sunkrat, now levied in cash.

12. Churse.—Skins, originally from the Mhows, now the value levied from the Ryots.

13. Buzar Butta Sherista.—Butta, exchange on coins.

14. Nowkurmanee.—Each village was obliged to furnish a trusty man as a servant to the Rajah, to attend him gratis; failing to do so, the hire of a servant is levied in cash.

15. Lohokur.—Wool for stuffing saddles or other purposes, the value in money.

16. Jhool Bhoorkee.—Coarse blankets for horse-cloths, the value in money.

17. Sadirwarred.—Puttee for dhurbar khurch, or bribes.

18. Buchuk puttee.—Trifling cesses to make up for any losses.

19. Sew Puttee.—Originally provisions to Government Sepoys sent on errands to the village, latterly consolidated into a certain sum of money.

20. Dyhee Puttee.—Originally a present of curdled milk, which has become a regular impost in money.

21. Tel Puttee.—Oil for the public officers, &c. the value of it in cash.

22. Hawul-

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Deccan.

22. Hawuldaree.—A cess in grain to pay the person who watched the crops, converted into money at the request of the Ryots, and now become a regular cess.

23. Carcoonee.—A similar money cess, originally a huck of the Carcoons of Government.

24. Meeras Puttee.—A cess once in three years on the Meerassadars, very (*orig.*) irregular in its amount. This case the principal regular extra puttees in the open districts of the Poona collectorate; they are not all to be found perhaps in any one village, but the greater part of them will be found in most villages. In the western districts amongst the hills (Mawuls), the following of the above puttees are also found, *viz.* the khurba gawut begur, khurch puttee, jora churnee, sunkrat, karsaee, chursee jago, sadirwarred, meeras puttee; and besides those cesses, there are other puttees peculiar to those districts, *viz.*—

1. Hubshee Puttee.—Originally levied to defray the expense of repelling the inroads of the Abyssinians from the Kohun.

2. Gossavee Puttee.—A similar cess: originally alms to beggars.

3. Ramoossee.—Originally the pay of a Ramoossee to guard the village.

4. Abhee Puttee.—An undefined extra cess.

5. Ambe Dhalee.—Originally a present of mangoes, now the value in money.

6. Lubbe Puttee.—Origin unknown.

7. Goorhala.—A cess in coarse sugar, now in money.

8. Komree.—Ditto fowls, ditto.

9. Katte Mornawul.—A fine originally levied from each house by a Mamlutdar, whose feet has been hurt by thorns in making his survey of the village lands.

10. Koolkurnee Monshahera.—Originally a huck of the Koolkurnee, now levied by Government.

11. Pahaneekhurch.—Expenses of a Carcoon sent to survey the lands, now become permanent.

12. Puttee.—An undefined exaction.

13. Khakree Bhomple.—A tax on cucumbers and pumpkins, now their value.

14. Eerlya.—A sort of covering made of leaves, to defend the head and upper part of the body from the rain. One of these articles used to be levied from each village, and the value is still exacted.

15. Ambe Tukhe.—A small tax on mangoe trees.

16. Pan Tattya.—A particular kind of leaves for thatching, the value now levied in money.

17. Quida Puttee.—Customary cess.

18. Moosal Puttee.—A stick for beating grain, the value of one levied in money.

19. Puttralee.—Dishes of leaves to eat off; ditto.

20. Kussur Puttee.—Excess in distributing the individual assessment.

Ahmednuggur.

In Ahmednuggur the following are the usual puttees:

1. Gulla puttee, or kurreedee gulla, before explained.
2. Kurba and surum.
3. Ambaree.
4. Gawut kuttaee (beegah).
5. Khurch puttee.
6. Tel sunkrat.
7. Churmee jora.
8. Buzar butta.

9. Sherista

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List of the principal Puttees or extra Cesses levied beyond the regular Assessment.

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9. Sherista butta.

10. Toop.

11. Goorhal puttee.

12. Koolkurnee mooshahera.

13. Pan Tattya.

14. Soot.

15. Hawuldare.

16. Bhet (dussora) bukra.

17. Meeras puttee.

18. Bhet at making the jummabundy.—A present, now become a regular impost.

19. Bar puttee.

20. Ghogree.—A trifling cess in grain, originally belonging to the Potail, but levied by some Mamlutdars, and thence become a regular impost.

21. Malkulnee—A fine on obtaining permission to cut the crops of grain.

22. Pindwul.—A cess of straw, now its value in money.

23. Hulled puttee.—A tax on the collection of turmeric.

24. Kista paylee.—An undefined impost in grain.

25. Hoorda.—Ears of corn which are fried or toasted and eaten: a cess in money in lieu of a perquisite in kind, levied by some Mamlutdar.

26. Tuburook puttee.—Cess for some Mahomedan saint.

Candeish.

1. Butta.

2. Goorhala.

3. Huvaldaree.

4. Babnook.—Rabita mahar.—Commutation in lieu of the services of mahars formerly exacted.

5. Bheekee.—A perquisite in grain to the Shaikdar, now levied by Government.

6. Enam puttee.—A tax levied on Enamdars.

7. Chuokassee.—Concealed resources detected.

8. Pan tuckha.

9. Kussur (tazil kirkol.)

10. Jureel tumbacoo.—A petty perquisite in tumbacoo, now converted into cash.

11. Chuss puttee.

12. Kholee bhetee.—An offering from the Poties.

13. Eksala puttee.—A puttee levied one year and continued ever since.

14. Mood puttee.—Levied on meeras land.

(Signed) J. MACLEOD,
First Assistant.

ACCOUNT *of the* REVENUE MANAGEMENT *of the* PEISHWA'S TERRITORY *during the* ADMINISTRATION *of* NANA FURNAVEESE.

Revenue Management of the Peishwa's Territory during the Administration of Nana Furnavees.

1. THE Mamludars in Nana Furnavees' time were selected from families of character and respectability. The office was conferred on persons of trust, without reference to any special agreement in respect to the amount of the revenue proposed to be drawn from the districts; and in order that neither the interests of the Ryots or of Government might suffer injury, people of experience were chosen. These persons at the time of their nomination, sometimes,

times, though not always, paid in advance to the treasury a portion of the revenue.

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Revenue Management of the Peishwa's Territory during the Administration of Nana Furnaveese.

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2. On their appointment to office, the Mamlutdars received a sunnud, or patent, enjoining them to a conscientious and faithful discharge of their duty, and directing them to observe as a guide for their management of the receipts and disbursements, a separate authenticated account delivered to them of the assets and expenses of the mehauls under their charge. The sunnud also instructed them to ascertain what collections of the current year had been made by their predecessors, to give them credit for the charges in proportion to the extent of the period during which they were in office, and to realize the balance after taking the late Mamlutdar's acknowledgment of the amount of it. The Mamlutdar at the same time received an order directing him to give over charge of the mehaul to his successor, along with all forts, garrisons, magazines, &c. to transfer to him all collections after deducting allowances or charges up to the period of his removal, and to certify to him the amount of arrears due, whether from the mehauls or from other sources. Persons in charge of forts were after some time ordered to place themselves under the directions of the new Mamlutdar, and the Zeemindars of the districts were enjoined to make him acquainted with the resources.

3. On the acquisition of any new territory, besides the Mamlutdar, a Furnees, Moozmadar, Durruckdars, and other officers were appointed from the presence; but in the old districts, whatever changes of Mamlutdars took place, the former Durruckdars were continued in office. In the event of misconduct, the Durruckdars were removeable only by orders from the Hoozoor. They could not be dismissed by the Mamlutdars, nor could the latter at their discretion employ them on any duties except those which were especially prescribed to them. It may be necessary to explain that the general appellation of Durruckdar comprehends Furnavees, and all Carcoons paid by a durruck or fee from the villages, over and above their pecuniary fixed allowances. The pay to Mamlutdars and Durruckdars was fixed after the following manner. In a district where the Mamlutdar had also charge of forts, as for example, the talook of Sewner, the revenues of which was Rupees 1,02,000, the regular annual pay chargeable on the Mehaul accounts was fixed at ....Rupees 1,000

Palanquin allowance	800	
Allowance for oil	18	
Palanquin furniture, once in two years	125	
Allowance for clothes	40	
		1,983
There was also payable from the fund called the *untust*,* on account of dhurbar khurch, separately collected in each talook, a carcoonee or allowance for household expenses, or *sounsar begamee*		2,358
Making the total of annual allowance ....Rupees		4,341

When the Mamlutdar had charge only of a district without the fort, as Jooner, the revenue of which was Rupees 1,15,738, his allowances were as follows:

Annual pay, including palanquin allowance ....Rupees	2,000	0
Clothes	20	12
Palanquin equipment, once in two years	150	0
	2,170	12
Besides which, in this particular talook he had an allowance for firewood of	275	0
Total ....Rupees	2,445	12

Those

* *Untusthee*, from the Sanscrit, signifying what is *within* or *concealed*: hence a secret *account of bribes*.

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Those who got no carcoonee, charged for diet money, &c. in the above account of the untust or extra revenue.

The Durruckdars of talooks, mehauls, or forts, received also their wuttun or pay and the extra allowances; the former of which was in like manner charged in the mehaul accounts, and the latter in the untust; for instance, the Dewan of Sewner, whose duty, as chief factor under the Mamlutdar was to countersign all letters or orders, received an annual wuttun or pay of ....Rupees 350
And a carcoonee or extra pay of 237

Total ....Rupees 587

It was the province of the Moojmoodar to inscribe in all writs or deeds, and in all accounts of receipts and disbursements, the words "Murruttub Shood," or "approved," before the Furnees affixed the date to them. It was also his duty, where there was no Ashamnuwees, to insert in writing the total of the monthly muster rolls of Sebundies.

His wuttun or pay was ....Rupees 250
His carcoonee or extra allowance 237

Total.........Rupees 487

The duty of the Furnaveese was to date all sunnuds, deeds, or orders; to keep the daily waste-book; to attach chits or notes to the money-bags; to write answers to village letters; to insert in the account of the annual settlement and (*Sic. orig.*) the final demand, collection statement to the end of the year, the amount of the same in writing, and to affix the date to it; no document was considered valid that was not so dated. After the accounts had been finally closed by the Dufturdars, the Furnaveese brought and deposited them at the Hoozzoor.

The Furnaveese' pay or wuttun was .... Rupees 200
Allowance for two assistants 90

290

Carcoonee or extra pay 325

Total.........Rupees 615

The duty of the Dufturdar was to collect and place together in form and order in the ledger, the contents of the waste-book as prepared by the Furnaveese, and to furnish monthly and annual abstract accounts. To the

Wuttun was .... Rupees	150	0
Allowance for clothes	11	8
	161	8
Carcoonee or extra pay	124	0
Total.........Rupees	285	8

The Potnees kept an account of the balance of cash in hand, wrote the waste-book, and formed the treasury ledger; he also kept the account of collection and balances, which were compared daily by the Furnaveese, and the account was closed at the end of the year.

His pay was ....Rupees 125
His Carcoonee 24

Total.........Rupees 149

The Potedar was the surrup or examiner of coins, of which there were two to each treasury: their joint pay was Rupees 212-8.

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The Subhasud was an officer who kept a register of petty suits, and reported on them to the Mamlutdar; he received an allowance of Rupees 250.

The Chitnee was an under secretary who wrote and answered despatches.

His wuttun or pay was.............................. Rupees	125	0
Allowance for clothes..	11	8
Carcoonee	39	0
Total.........Rupees	175	8

Besides the above there were twelve Carcoons or clerks, whose aggregate pay was Rupees 2,478, or, on an average, Rupees 206. 8. to each person. Whichsoever of these persons came to the hoozzoor for the examination and credit of the accounts, received 350 rupees subsistence money, and the head clerk of the whole had an additional carcoonee of Rupees 58, making the total of this branch Rupees 2,886.

The Durruckdars and Carcoons hitherto described were called the Sooba Nisbutee, or provincial. There were besides attached to the mehauls or turruf as follows, *viz.*

The Havildar (a sort of peshkar or deputy, whose business it was to make the collections of the mehaul and remit them to the Mamlutdar, and to inquire into petty complaints).

His wuttun or pay was .... Rupees	200
For musalchee and oil...	50
An assistant boy	24
Clothes..	17
Total.........Rupees	291

He had Carcoonee over and above, the amount of which was not defined; it was charged in the mehaul expenses.

The Moozmadar of the mehaul had on a small scale the same duty as the Moozmadar of the Sooba.

His pay was .... Rupees	100
The mehaul Furnaveese	125
A further allowance of carcoonee of Rupees 500, which made the total establishment of each mehaul Rupees	1016

The Sebundy establishment of the Sewner Talook was as follows:—

The Asham Navees.

He kept a roll of the Sebundies, containing the name of each Peon; his father's name, the family appellation, his village, a description of his person, his age, in what manner armed, and the amount of his pay. He also mustered the Sibundies and attested the muster-roll.

His pay was..Rupees	250
Allowance for musalchee and parasol-bearer.................	74
	324
Carcoonee or extra allowance.......................................	212
Total.........Rupees	536

The Asham Furnaveese kept the account of the Sebundies, wrote out the muster-rolls in cases where there was no Hazir navees or muster-master.

His wuttun was .... Rupees	200
Carcoonee	104
Total.........Rupees	304

The

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The Hazir navees was the muster-master, who mustered and made out the abstracts; and after laying them before the Furnaveese, deposited them in the duftur, where the Dufturdars reviewed and audited them.

The Asham Dufturdar prepared the Asham leger from the waste-book of the Asham Furnaveese; he drew up at the end of each year an account of over payments and arrears, and delivered them to the Furnaveese of the Sooba.

His pay was	Rupees	150
Carcoonce		124
		274

The Durruckdars attached to forts were as follows:

The Havildar, whose duty was to arrange and appoint all guards and patroles, and to grant permission of ingress or egress; his annual pay was Rs. 361. 8.

The Sur Nusbut was subordinate to the Havildar, and was employed in whatever duty he assigned to him; he also superintended the public works. His pay was Rupees 210.

The Subnees resembled the Ashamnavees; he wrote out the Sebundy accounts: his pay was Rupees 225. He reported all enlistments or discharges to the Subnees of the Sooba.

The Furnaveese of the forts made out abstracts of the accounts which were rendered to the Sooba; he inserted the date, and certified the accounts, after the manner of the Furnaveese of the Sooba. He kept accounts of the receipts of all grain, &c. into store, of payments of batta, &c., in communication with the Subnees and Havildar. His pay was Rupees 191. 8.

A Storekeeper, or Furnaveese of Stores, was sometimes separately kept up on a pay of 166. 8.

The Carcoons of the Fort, or Writer of the Accounts, received Rupees 100.

Durruckdars and Carcoons were maintained in this way in all the talooks, though the establishment was not uniformly the same in each. The system, as it prevailed in a large district, has been exhibited; both the number and pay of the different classes were smaller in proportion as the districts were of less extent.

In addition to wuttun or pay, the following indulgences were allowed:

Each provincial Durruckdar had from one to five Sebundies attached to him, according as he was of more or less consequence; these were kept up or not, at his pleasure. Purveyance of wood, betel, and other supplies allowed for the fort, furnished the means also of private emolument. Whenever the Furnaveese, Dufturdars, or Carcoons repaired to the huzzoor to render their accounts, they received an allowance chargeable in the untush or durbar khurch account already described, for their own expenses and subsistence, as well as for those of a servant, from the day on which they quitted the mehauls to the period of their return to it.

4. Having mentioned the different officers, it may be proper to revert to the Mamlutdar, and to describe his operations after receiving his sunnud of appointment. His first step was either to proceed himself, or to depute his *homme d'affaires* (karbaree) to the district, to receive charge of it from the late Mamlutdar. The next measure was to summon the district Zemindars and the heads of villages, each of whom, according to an established rule of proceeding, from the Daismook and Daispandee to the Seettee Mahajun and village Mocuddums, paid his respects, and presented a nuzzer, or offering, to the Zemindars, then delivered the mandate from the Huzzoor, requiring their obedience.

5. This ceremony over, the Mamlutdar transacted his business in open cutcherry, attended usually where there were Zemindars, either by the Daismook himself or by his agent, duly accredited, and by the Daispandee or District Accountant or his Deputy.

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The Daismook or his people assisted in the executive duties of general management, whilst the Daispandee furnished any records that might be called for, and kept an account of the collection, his Carcoon writing all requisitions to the villagers, dated and signed in due form (as explained above in the third paragraph) by the Durruckdars, and confirmed by the Mamlutdar.

6. When the Potails of villages were assembled, an account of the particulars of the collections of each mouza, in the handwriting of the Koolkurnee and with the signature or mark of the Potail, was drawn up.

In those mehauls where the Zemindars had a dufter, the account was subscribed with their signatures; the customs and all other items were included in the receipt, and the expenses as ascertained by the Durruckdars being deducted, the late Mamlutdar was required to discharge any balance which might remain due by him.

7. This being done, an abstract statement of the actual transactions of the first was required from the Furnaveese of the mehaul and the Durruckdars.

This was despatched by the Karbaree to the Mamlutdar, if he were still at the hoozoor, but if he was in the mehaul himself, he sent his Karbaree to deliver in the statement to the presence. From this statement was framed and transmitted to the Mamlutdar, the usmaesh or account of the future expected resources of the talook committed to his charge. Should it so happen that no accounts of the last year were rendered, this budget of ways and means was made up from former years' accounts. The uzmaesh account contained the following particulars.

The yienkhah, or the kumal, or whatever other settlement had been usually inserted in the uzmaesh, was assumed as the amount of the revenue. From this was deducted the value of any enams, surinjams, villages, or shares of villages, &c. that might be actually enjoyed, and the balance constituted the *aien jumma* or ordinary receipts, as distinguished from the *waee jumma* or extra revenues, and from the annual cesses on account of village charges, &c. which were also enumerated and brought into the account.

In the *waee jumma* or extra revenue, were included the rent of gardens, home farms retained by the Government officers, and the farms of the customs; to which were added fines, nuzzers, and other items, usually brought to account under the distinct head of kumaeshee receipts, the amount of which was inserted in an estimate framed with reference to former realization: credit was also taken for any resumed wuttuns or other heads of revenue, which on inquiry were ascertained to belong to Government.

This account of ways and means being completed, the disbursements which were to be allowed for out of them are next considered; they are as follows, *viz.*

1st. Permanent allowances, such as annual charge on account of Silladars and others.

2d. Allowances to holders of mokassa, babtee, &c. chargeable in these mehauls, in which the amount is not deducted from the jumma, but not charged on account in those mehauls, in which these charges are abated in the jumma.

3d. Expense of the mehals establishment, such as the pay of the Mamlutdar, of the Durruckdars, as detailed in the third paragraph of this memoir, or at least as many of them as there may be.

4th. Pay of Asham Sebundies, district Peons employed in the collections, or in garrisoning forts and fortified ports.

5th. Allowances to temples, charities, tusreef, or annual presents to Potails at the time of the settlement, wurshasuns, pensions, mosques, durgahs, and fixed contributions of grain for provisioning forts.

All these items of disbusements, or as many of them as there might be in each mehaul being charged in the uzmaesh, the balance was then struck, which balance was divided into two parts.

The first part, that which was remittable to the Government; which was fixed with reference to the remittance of the preceding year,—with the addition of

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of any sums that might then have been deducted on account of failure of crops or other causes, or with a deduction of any abatements that have been again rendered necessary for similar reasons. Of this remittable portion a part was usually paid in advance in July or August, and the remainder divided into three or four instalments, the payment of which was not very uniform, but depended upon the understanding that subsisted between the Mamlutdar and the Government.

The second part, or what remained of the settlement, was entered under the head of a suspense account, in which was to be debited the interest on any advances made to Government, premium paid for bills of exchange on remittances, new nemnooks or allowances conferred during the year; remissions for destruction of crops, and other contingencies which might, on the Mamlutdar's representation, call for an abatement.

A saving clause however was added to the suspense account, providing that any items suspended that could be realized should be brought to the credit of Government.

An injunction was inserted in the uzmaesh, that all receipts and disbursements should be faithfully entered in the accounts, and that nothing in the shape of interest should be kept back; that of the sum suspended on account of exchange on remittances, what was really expended only should be allowed for; that whatever could be realized out of the estimated deductions should, on a settlement of accounts, be added to the remittance to the hoozzoor; that all casualties of pensioners and Enamdars should be reported, and their allowances brought to the public account, or continued, as it might be, according to the orders which should be issued. And it was also enjoined that the Mamlutdar should conduct his management so that neither the Ryots nor the state should suffer detriment.

It was further directed that as the grain and other articles payable in kind to Government were valued in the annual accounts, at the market rate of each year, care should be taken to dispose of the same at the conjunctions that might be most favourable to the interests of Government and the proceeds credited accordingly. In the event of any great calamity or insurrections, remissions, agreeably to established usage, were promised.

After all these formalities, the uzmaesh was certified as approved by the minister, and confirmed by the Peishwa's sign manual. A copy was then delivered to the Mamlutdar.

The above was the usual practice observed where the districts were under the immediate management of Mamlutdars, which was the most common mode of administration.

Districts however on the Nizam's frontier were usually farmed out annually, the amount of the contract varying with circumstances. The engagement being closed, the profit and loss was the contractor's. The contractor had abatements allowed to him to cover the pay of the Durruckdars and Wurshasundars, allowances for temples and other permanent charges, and if he neglected to discharge them, the complainants got redress at the hoozzoor. The contractor was bound to pay to Government any of these sums that remained undisbursed, owing to casualties or other causes, over and above the amount of his farms.

In the uzmaesh given to the contractor, it was stipulated that he should regularly pay all the charges above specified, and that he should not oppress the Ryots or occasion any loss to Government. If he had advanced any part of the sum contracted for, some allowance was made to him for interest, and it was provided in the event of any great calamity that he should receive such indulgence as was usual.

8. The above particulars shew the relations that subsisted between the Government and the Mamlutdar. The latter conducted the internal management of the district through the Zemindars, the Mocuddums, and the Koolkurnees of villages; of each village he examined the Zumeen Jhara, or register of lands, the receipts and charges of the past year, and the state of the cultivation

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cultivation of the present. He called for accounts of the particular fields under tillage, whether dry gardens or rice cultivation, whether cultivated by Meerassadars or Ooprees, whether at a fixed contract rent or on cowl. He ascertained from the village and district officers what extent of land ploughed in preceding seasons had become fallow, and the cause of its being so. If necessary, he appointed to particular villages Kumaeshdars to promote the cultivation, and empowered them to grant cowl or istawa leases for waste lands.

9. Under the supervision of the Mamlutdar, the heads of villages were allowed to exercise a considerable latitude of discretion, in raising or reducing the terms under which the Ryots were persuaded to cultivate the lands.

10. The Mamlutdar also exerted himself to promote this object, and in cases of necessity assisted the Ryots by allowing their balance of rent to remain outstanding under the name of Tuccava, to enable them to purchase seed or cattle, taking from them a promissory note for the amount. Some Mamlutdars relying on the faith of Government for their remaining in office, made actual advances of cash for the above purpose, which were collected in the following years, with or without interest, according to the circumstances of the cultivators. In short, no means of conciliating or inducing the Ryots to cultivate were omitted.

11. In fixing the jummabundy of a village, accounts particular of the cultivation were rendered, which, if necessary, were checked by a pahnee, or actual inspection of the lands, and a conjectural appraisement of the crops.

12. The accounts of the settlement were prepared through the Potails and Koolkurnees in the following manner. The whole of the lands were first inserted, and all enams and other alienations were then deducted. The instalments were paid according to those of the past season, and an adjustment was made after the completion of the jummabundy.

13. The following details of the gaum khurch and the dues of Huckdars, &c., for whom credit was allowed to the villagers out of the gross jumma, were recorded at the time of the settlement.

The names of the Daismooks, Daispandees, Sirpotails, and other Huckdars, as they existed in each village, were inscribed.

A particular list was taken of allowances to temples, and wurshasun allowances payable out of the gaum khurch; but the total only of the rest of the gaum khurch was inserted, as the various particulars of these charges, many of which are fluctuating and incidental, could not be ascertained at the time of the settlement. The Potails and Koolkurnees were allowed a good deal of discretion in expending this fund, and appropriated to themselves any profits arising out of it. If more were required to satisfy the demands of troops of mendicant gasavee, or to answer any other exigencies, additional puttees or cesses were levied from the Ryots. The amount of these puttees was sometimes entered on the accounts of receipts and disbursements of the village, but more usually perhaps excluded.

14. In those mehauls in which the Zemindars continued in office, it was the province of the Daispandee to take from the Koolkurnees of each village, accounts of the cultivation, and of the rates of assessment, to draw up abstracts comparative, exhibiting the difference between those of the current and past year, and to explain the same to the Mamlutdar. On these accounts the Mamlutdar sometimes fixed the settlement, and determined the respective shares of those who were entitled to appropriations of the revenue. All these documents were prepared in communication with the Durruckdars, and entirely by the latter, where remainder, what was waste was distinguished from what was cultivated; and the latter was classed under its several heads of dry land and garden, whether watered by wells or by water-courses, whether cultivated by Meerassadars, Ooprees, or Paykarees, was then shewn in detail; after which the rates of assessment were examined, and the produce of the whole according to the established mamool of the village, including the various cesses, the extra revenue, the Pandhurugaun or Mohturfa, quit rent of the Bullootedar, and Mahars, together with any other items being added together, (Sic orig.)

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together, formed the gross assets or jumma. From this jumma was then deducted in round numbers, the per-centage due to the district and village officers, the gaum khurch or village charges, and the permanent assignments on the village revenue. The balance constituted the beriz or settlement, in which such trifling abatements were made as circumstances dictated. In some mehauls a small sum was set apart for *durbar khurch*, which was brought into the untust account. A further deduction was also made according to the special usage of each village, on account of those who possessed shares of the revenue, Enamdars, Surinjamdars, and others holding mokassa, babtee, sahotra, weem, chonthaee, or sirdaismookee. All these demands being adjusted, the remainder was the amount remittable to the public treasury, the sum composing the various deductions being paid directly by the heads of villages to the persons entitled to receive them.

The revenue remittable was discharged by instalments, in the months of November, December, and January. They do not appear to have been fixed according to any uniform scale, but depended a good deal upon the mutual agreement of the Mamlutdar and the villagers, and on the time at which the settlement was concluded. If the settlement was not made till the year was far advanced, then there were no Zemindars in employment.

15. The jummabundy being settled, their rents were collected in the following proportion.

In villages in which there were both a rubbee and a khurreef crop, the first kist, called the dusra puttee, was levied in November (asween) and was indefinite, but small in its amount. In Kartick (November, December) twenty-five per cent. of the revenue became payable; in January and February, twenty-five per cent. more; in February and March, twenty-five per cent.; and in March and April, the remainder. In those villages in which the public crops were considerable and the khurreef but small, the early kists were lightened, and the heaviest kist of fifty per cent. was reserved for the March and April payment; on the contrary, where there was much of the khurreef and little of the rubbee crops, the heavy kists were exigible in the early months.

The Potails and Koolkurnees always commenced collecting the kists eight or ten days before the periods fixed for remitting them to the Mamlutdars.

16. When, from particular circumstances, difficulty was experienced in realizing the rents, the Mamlutdars, on ascertaining that there were good grounds for moderation, forbore from indiscriminately pressing for balance.

17. The rents were not payable entirely in cash, but were frequently remitted by the villagers to the Mamlutdars, by huwala or orders on Sahookars.

The Ryot in like manner often paid the Potail by similar assignments. The latter mode was most prevalent; so much so, that it is estimated that scarcely twenty-five per cent of the revenue was paid directly in ready money.

28. The koolwar or individual distribution of the assessment, was made by the Potail and Koolcurnees, not by the Mamlutdars; but if the Mamlutdars saw reason to believe that the village possessed concealed resources, or that the Ryots were not under the authority of the Potail, he proceeded to make the individual settlement himself, or appointed a Camavisdar on his part, especially for that purpose.

19. The rents of the Ryots were collected in the local coin of the districts, but if the currency was much deteriorated, it was charged with batta, which was made up by the villagers.

20. If any arrears remained due, the exaction of which was likely to distress the Ryot and hinder him from cultivating his usual fields, a respite was often allowed till the period of the first kist of the following season, but if the balance could not then be realized, it was excused and written off under the head of remission.

21. Any other extraordinary failure from loss or destruction of crops, or other causes, met with similar indulgence.

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22. The Mamlutdars gave receipts to the Potails for all payments, drawn up inthe manner and with the formalities described in the third paragraph of this paper, which treats of the duties of Durruckdars and other revenue officers.

23. At the end of the year, after all the collections had been completed, the Mamlutdar delivered to the villages a demand, collection, and balance account, shewing the ayeen jummabundy, including all branches of revenue, both in money and kind (but exclusive of the interest), the remittances that had been made to his February and the charges that were admitted; in exchange for which he took a voucher in the handwriting of the Koolkurnee, and signed by the Potail, of the actual receipts and disbursements (kuchi wywah), together with a copy of the wasool bagee accounts certified by the Potail.

All vouchers given in acknowledgment of remittances were then received back by the Mamlutdar, and deposited in the dufter of the mehal.

24 The following are the items of swaee jumma, or extra revenue, which the Mamlutdar entered in his public account, *viz.*

Luggun tukka, pat dam, Chithee musula, khund, gonahgaree, nuzzur, hurkee, qurrz chowthaee, bytoolmal, and sundry petty extra cesses

25. At the close of the year, either the Mamlutdar himself or his Furnavees or Dufterdars, delivered into the hoozzoor the following accounts of the districts under his management:

1. The muhalkee jhustee, or rough account of all receipts and charges.

2. A statement of the jummabundy of each mowza, attested by the signatures of the Zemindars where any were in office.

3. A muster-roll of the Sebundies and their receipts for their pay during the twelvemonth.

4. A copy of the moyen zabitah, or fixed establishment, and a list of absentees.

5. Receipts of wurshasundars, pensioners, or other receiving nemnooks or fixed allowances, together with copies of any sunnuds issued from the presence for the payment of the same.

6. A copy of the contract with the custom farmer, if the customs were rented out.

7. A list of articles furnished to forts from the district.

8. The untust kee yadee, or account of reserved revenue for durbar khurch, explained in a former part of this paper, and any other accounts that might be called for.

The above accounts being rendered to the Exchequer, it was the province of the dufter Carcoons to compare the receipts and disbursements with the uzmaesh account first given to the Mamludar on his appointment; to make out a tallabund or explanatory detail of all the charges shewing those that were made with, and those that were made without sanction. The hoozzoor Furnaveese, or chief clerk, read this over to the Peishwa, and on its being submitted for approval by the Dewan, the Peishwa confirmed it by his sign-manual.

This tullabund exhibited a particular view of all the variations that had occurred during the year. For instance, expenses to temples not included in the uzmaesh of the preceding year, casualties of Karkoons and others filled up but not actually authorized.

Extra Sebundies entertained to put down rebellion; expenses of purveyance to Sirdars who might have visited the districts; increase of pay to servants; balances written off under the head remissions for failure or destruction of crops. All these charges were audited before they were passed, and any deficiency of the receipts was also particularly inquired into, whether arising from the want of rain, insurrection, or other calamities affecting the revenue. If the Mamlutdar was a confidential servant his explanation of any causes of failure was deemed sufficient. If not entirely trustworthy the testimony of the Durruckdars and Zemindars was called for, before any remissions were granted.

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granted. In the event of its being afterwards discovered that they were not necessary, the Mamlutdar was made answerable.

26. On an adjustment of accounts, it was sometimes found that a balance was due by the Government to the Mamlutdar, who having paid up the revenue in full, failed to realize the amount, owing to the season having been unfavourable. The balance sometimes arose too from his having employed extra Sebundies over and above his establishment, or from his having made advances to the Government. In these cases he was allowed interest on such sums, at the rate of one per cent. per mensem, till the debt was discharged; when liquidated, however, some stoppages were made according to established custom of one-twelfth of the interest and one thirty-fifth part of the principal.

If the Mamlutdar was removed from his charge, his successor was usually made to pay the debt. If he remained in office, he got credit for the amount in the after year's accounts, or was allowed to recover the amount from any outstanding balances in the district. On his being discharged, the new Mamlutdar was directed to assist him in realizing any advances of tuccava which he might have made to the Ryots out of his private funds.

27. The particular points of the administration to which attention at the hoozzoor was directed, were to collect from time to time any outstanding balances due by the Mamlutdars; to inquire into and redress any complaints preferred against them by the Zemindars, Enamdars, Potails, or inferior Ryots; to answer despatches written by the Mamlutdars, relative to any occurrence within their jurisdiction; to make arrangements for establishing the authority of Government in any of the districts where it might be disputed, and to superintend the administration of civil and criminal justice by the Mamlutdars, who had full powers for this purpose, excepting only the power of life and death, in all which cases a reference was made to the hoozzoor. The Mamlutdar however frequently exercised the power of punishing robbers by mutilation, but in very important affairs they applied to the hoozzoor for orders. In the event also of any unusually great expenditure being required, they applied for previous sanction.

The removal of Mamlutdars for petty faults was by no means frequent, many of them remained thirty or forty years in office, and were succeeded on their demise by their sons.

Durruckdars likewise were not removable, except for misconduct, and the office frequently descended to their posterity.

On charges of malversation being preferred against Mamlutdars, the accuser was required to give security that he would prove them. He was rewarded if he did; but on his failure to establish them, his surety was held responsible or not, according to the particular circumstances of the case. To prefer such charges, however, appears to have been considered amongst the Mahrattas a most odious proceeding; the informer not uncommonly getting the nick-name of Tuskeer Rent, and becoming a general laughing-stock amongst the people.

28. The revenues of the Mamlutdars have been already described: they were expected to promote the improvement of the country, to protect all classes from oppression, to dispense civil justice, and to superintend the police. They were not prohibited from making any advantage they could from trade, or from lending money at interest; and they were often connected with Sahookars, who advanced on huwala the revenue of the villages; a connection which, it may be supposed, must often have been prejudicial to the Ryot: abuses, however, seem to have been restrained within narrow limits.

29. The Potails and Koolkurnees had the immediate duty of superintending the cultivation, to see that it was kept up to the usual standard. Should there be any falling off, owing to the death or emigration of Meerassadars, the other Meerassadars were expected to cultivate the fields relinquished; and on any defalcation from the poverty of Ooprees, it was the duty of the Potail to persuade other persons to occupy the land thrown up. To enable him to effect his object, he exercised the privilege of making trifling abatements of the rent, when necessary; but if any great reductions were required, he applied to the

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Mamlutdar for sanction. In matters, however, of ordinary and usual occurrence, no previous sanction was requisite.

The Potails and Koolkurnees furnished all accounts of cultivation to the Mamlutdar, sometimes through the district Zemindars, wherever the latter were in office, but as often without their intervention.

In large puttees the mohturfa and house taxes were managed by the Shetties and Mahajums, but in the smaller towns they were under the direction of the Potails and Koolkurnees, who rendered to the Mamlutdars accounts of all alterations that occurred from the departure of the old, or the accession of new contributors, or from any change in their circumstances. The amount of the jummabundy of the villages was fixed by the Mamlutdar. In making the ryotwar or individual settlement, this amount added to the sum deducted in the thuhrao yadee on account of village charges and other expenses, was distributed amongst the Ryots, and any excess of charges that might be incurred, or any deficiency that might arise in distributing the constituent parts of the settlement, was raised by means of a second levy or puttee.

In some villages, however, the charges were separately levied over and above the assessment of the Ryot's fields, instead of being defrayed out of the gross settlement formed from the aggregate rents of all the cultivators. When any deficiency arose in making the re-partition of the total assessment, owing to the reduced circumstances of the inhabitants, the amount was raised by loan from Sahookars, and credited to that head. The loan was sometimes repaid by a puttee on the following year, or if this was likely to occasion distress, the Mamlutdar got permission to remit an equal amount, to enable the villagers to liquidate the debt. If the sum was large, this was the usual course; if small, the inhabitants themselves usually consented to make it good.

The first instalments of the revenue were collected before any Koolwar settlement was made, according to the individual payments of the preceding year, and considerable indulgence was shewn, as has been already stated, in exacting balances, where the realization was likely to occasion much pressure.

It was not necessary that fresh orders should be issued annually for the payment of the shares of revenue of the various claimants entitled to receive them. When once sanctioned they were continued without any new instructions, until resumed or abrogated. The hucks of Daismooks, Daispandees, and others, were continued in like manner according to established custom. The permanent annual village charges were also incurred on the authority of Potails and Koolkurnees, but any excessive disbursements were, when ascertained, retrenched and brought to the public account.

In cases of villages falling into arrears, ghutcool lands, or lands thrown up by Meerassadars or left waste owing to the decease of the owners, were sometimes disposed of on meeras tenure to other Ryots, for a price paid for the same, which was applied towards the discharge of the public dues.

Fines and forfeitures levied for offences were to be duly reported to the Mamlutdars, and if approved brought to the credit of Government.

All petty quarrels amongst the inhabitants were adjusted as far as it could be amicably accomplished, by the Potails and Koolkurnees; all petty disputes about land were usually settled on the spot, but if they were of any considerable magnitude the Mamlutdar was consulted.

The Bullootees, or petty village officer, received the usual fees from the Ryots for whom they performed the customary services. The Potails and Koolkurnees were not empowered to remove them. On the occurrence of any great misconduct on their part it was represented to the Mamlutdar, who punished or dismissed the offender.

At the end of each year the Potail and Koolkurnee rendered to the Mamlutdar a complete account of all receipts and disbursements, and received in exchange a jumma wusool bagee (demand, collection, and balance) statement. On this occasion, it was customary in some villages for the Mamlutdar to present them with a sirpao or honorary dress.

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The Potail and Koolkurnee kept an account current with the several holders of shares in the village, who sometimes also gave them a sirpao. When the Mamlutdar granted tuckavee to villages, he usually received it back with interest.

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It never was usual after making the koolwar or individual settlements to give pettahs, nor were receipts commonly given to the Ryots for their payments; the latter were occasionally granted, but the understanding subsisting between the Ryots and the Koolkurnee, generally, led them to dispense with this security.

Deccan.

(True copy,)

J. MACLEOD,
First Assistant.

WILLIAM CHAPLIN, Esq., to —*

Dated the 22d December 1821.

Mr. W. Chaplin, 22 Dec. 1821.

Sir:

1. In again soliciting your attention to my Queries, under date the 4th November 1821, I have the honour to submit to you a few supplemental points on revenue subjects, on which I shall esteem it a favour if you will give me your sentiments. On these latter points I do not wish you to institute any elaborate inquiries, which must occasion delay in replying to this letter, but to give me your opinion, as far as your present experience may have enabled you to form it, on the topics in question; into which a reperusal of Mr. Elphinstone's report has suggested the necessity of inquiry.

2. The first question I am solicitous to elucidate is, how far the system of village government has undergone any change under us, and what has been the result of the innovation; whether it be satisfactory or otherwise to the people. In the report adverted to, about the end of the head entitled "Presented Revenue System," that which is adopted by the Collectors is described to be founded on the Mahratta practice. I will thank you to state whether the system observed continues the same, or if different, what are the variations.

3. You are also requested to state whether meerasses have undergone any change, how far their value has been increased or diminished, and to what degree, if any, we interfere between the Meerassadars and their sub-renters.

4. If any considerable reduction in the village expenses has taken place, I beg you to exhibit the amount and the principle on which it has been effected, explaining at the same time, whether any taxes, expressly levied to pay them, have been diminished or abolished, and whether any changes have taken place in the items composing the extra revenue.

5. It is desirable that you should shew how far the distinctions of Mahratta revenue, such as mokassa, &c. have been abolished where all were held by Government; or where held by individuals, how far they are kept up or consolidated, or made a fixed payment.

6. I am also anxious that you should relate to me succinctly, the mode in which you conclude your settlement in each village. With the Potail, through him with the Ryots, or direct with the Ryots? Whether it is chiefly made by your own cutcherry, under your superintendence, or chiefly by the Mamlutdars? Whether the size of their districts or their salaries have been increased? Are complaints against them frequent? What is their general character as to integrity? How many have been removed for offences or incapacity? and whether their conduct towards the gentry of the country is overbearing or insolent?

7. I have further to beg the favour of you to inform me, how many times you or your Assistant have visited each mamlutdarry? what success you have had in procuring authentic accounts, either of villages or districts of the Peishwa's

* Blank in the original

Peishwa's time, or of an older date? and what arrangements or inquiries have been made in regard to authorized alienations.

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8. The present state of the abkarree revenue, whether increasing or otherwise, should be exhibited, and if drunkenness be more frequent under us, the defects of our regulations should be pointed out. It will at the same time be satisfactory to know if you have the means of informing yourself, whether or not, in proportion as our revenue has increased from the sale of spirituous liquors, that of the camp bazaars has fallen off.

9. The only remaining points connected with revenue, on which I am anxious to receive your early report, are relative to the general condition of the Ryots, their individual debts or embarrassments, the progress of emigration of this class to or from other countries, whether foreign or belonging to Jagheerdars or chiefs connected with us, the extent to which the cultivated land is increased througout the country; and lastly, I must request you to shew the footing on which the Dessayes, Daismooks, and other Zemindars, now are as to emoluments, employments, influence, and disposition, towards our Government, and the degree in which they are now better or worse off than they were under Bajee Rao.

10. On points of a more general nature, I have the honour to request you will inform me whether much intercourse is kept up, either by yourself or your Assistants, with Sirdars of rank or the natives in general, and whether you have regular days appointed for receiving them. I am also desirous of receiving your opinion as to any change that may have taken place in the sentiments of the natives generally, in regard to our Government, how far they stand more or less in awe of our authority than they did formerly, and how far our management is more or less popular than it was on our first assumption of the country.

11. I have to beg you will further do me the favour to describe the actual situations of the Sahookars, how far they have been sufferers or gainers by the change of Government, and the extent to which emigration or bankruptcy has occurred amongst that class of people.

12. Some information regarding the present condition of the Mootsuddies and Carcoons of the old Government; their present mode of employment and the degree in which they may have betaken themselves to agriculture or other pursuits, is a desideratum. I am solicitous also to learn from you the number of Mamlutdars, Carcoons, or Mootsuddies, of the late Government, whom you have appointed to offices under your authority.

13. You will have perceived from Mr. Elphinstone's report on the Deccan, that it has been an object of solicitude to preserve as much as possible of the spirit of the native institutions, and to consult the prejudices and customs of the natives. I beg you will inform me how far, in your opinion, this system has been followed or departed from, and how far it has been attended with success in conciliating the regard of the people where the system has complete operation.

14. Should many of the unemployed soldiery not have become cultivators, I beg you will shew, as far as you have the means of doing so, what has become of them, and whether the number of foreigners is now much diminished. In the event of many of the foreigners having left the country, it will be desirable to know to what quarter they are supposed to have gone, and if you have the means of forming any guess as to the number of the soldiery without employments, I shall be glad to be favoured with your estimate, together with that of the number of horse that may now be computed to remain in the country. The statistical inquiries which you will, I trust, have already nearly completed, in pursuance of my circular instructions, will probably enable you at once to furnish a part of these estimates.

15. I have further to request that you will acquaint me what arrangements have been made in regard to village debts, in consequence of my circular instructions on that subject.

 I shall,

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I shall, in a separate letter, solicit your sentiments as to the effect of the provisional system described in the Honourable the late Commissioner's report, in as far as it relates to police and criminal and civil justice.

I have, &c.

(Signed) Wm. CHAPLIN,
Commissioner.

JAMES GRANT, *Esq. to the* COMMISSIONER *in the* DECCAN,
Dated the 17th June 1822.

Mr. J. Grant's Replies to Queries, 17 June 1822.

Sir:

I now beg to forward replies to the circular interrogations which you did me the honour to transmit some months ago, and as the best apology for not having sent them at an earlier period, I need only submit to your consideration the number and variety of my duties; most of them are of a nature which consume much time, and can only under present circumstances be performed by the head of this office.

These answers are supplied from notes and materials in my possession, as well as by direct inquiries on the subjects to which they refer; and I likewise beg to mention the assistance which I have derived from Captain Adams, who possesses much minute information on many points to which these interrogatories apply. I am, however, fully sensible of the hasty and imperfect manner in which I have been obliged to leave some of these subjects for the present, but to which I shall at some future period direct my attention.

Excepting the transmission of population returns, and the inquiry respecting land tenures, I believe all the subjects you wish me to reply to are contained in this report. I have this day received your circular letter of the 13th instant, respecting a former circular letter of the 22d September 1820, on the subject of salt, but I had the honour to reply to it on the 11th October following.

With regard to individual matters, in allusion to your circular letter of the 6th instant, my quarterly reports so fully enter upon what has been introduced or amended, that repetition is unnecessary. I can recommend nothing better for this Government than steady perseverance in the plan laid down, which, although in itself not new, is but beginning to be understood.

I therefore pass on to the subject of land tenures; and as I am little acquainted with those in the province of Guzerat, I conceive I shall better convey the information required by the Honourable the Governor in Council by simply explaining those that exist here, than by comparison with other tenures, however clearly stated.

The whole of the land not in the possession of Government may be classed under two heads, enam and jagheer. Jagheers are of two sorts—*surunjamee*, or on account of military service, and *zatka*, or personal; the latter, however, is of two descriptions, though now nearly run into one, being either for personal support or personal service. Enams may be classed under six heads: *viz.* 1st. Hindoo enams, 2d. Moossulman enams, 3d. Deswustan, 4th. Dhurmadao, 5th. Dehanjee, and 6th. Wuttundar enams.

1st. Hindoo enams: of these may be enumerated seven different kinds.

1st. Brahmin enams, or gifts to Brahmins not employed in secular duties, whether Bhats or Grehusts. They are both Circaree (or direct alienations by Government and great officers) or gaomka (granted by village authorities). The Circar enams are generally attested by deeds of which the Rajpootes are the most respected: this applies equally to every species of enam. The enams granted by village authorities are commonly held by long uninterrupted possession, or begota. Such enams may have been procured in reward for sevices or by special favour, interest, or connexion: they were frequently extorted from village authorities by Brahmins in office, Dewasthan, and on strict scrutiny many such will be found

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found false, and now held by the fraudulent collusion of Potails and Koolkurnees.

2d. Gosaveen enams are chiefly alienations by village authorities, and the tenure is in most instances begota. Such land is granted for the support of the Gossein's muth, and that food and shelter be provided for travelling Gosseins.

3d. Mahratta enams have frequently been granted for distinguished military services, or procured from Government, great officers and Jagheerdars, in the same manner as Brahmin enams; they are seldom granted by village authorities and generally have some sort of deed from the Circar.

4th. Enam land to Bhats.—This is occasionally found as a free gift by the Circar: when granted by village authorities the Bhat generally has to perform duties on the village establishment.

5th. Gao charnee budul.—Land granted by Government for grazing the cattle of Gosseins, Byragees, &c. This is not common.

6th. Junguns enams.—Such land has been alienated chiefly by village authorities and principally in the Punderpoor and Beejapoor districts, where the lingaet Koonbees are numerous. The Jungum is the lingaet Gooroo's, and in many parts of the Deccan is one of the village establishment.

7th. Yatrache Katha, or land granted for keeping up and conveying flags to jatras, where they are erected in honour of the presiding deity. On approaching near to the spot where a jatra is to be held, these flags may be observed advancing in all directions borne by their Mankurees or persons enjoying the lands for keeping them up. These enams are commonly granted by the village authorities.

2. Moosulman enams are all termed khyrat, or in charity. They are principally by village authorities and held by prescriptive right, some of which is of very long standing. They are of eight or nine kinds:

1st. Mahomedans of no profession enjoying land.

2d. Fugueers, Mahomedans, beggars.

3d. Doombarees, tumblers, and rope-dancers.

4th. Gopals, something of the same description.

5th. Garroorus, or jugglers.

6th. Durweishes, which is applied to that class of Mahommedans who shew off bears and tigers, &c.

7th. Hujres, eunuchs and the children of their adoption.

8th. Chittur kuttees, musicians, dancers and tumblers.

9th. Dharus, who, like the Bhats, recite extempore compositions; they are sometimes found in the sawarees of great men. The Prittee Nidhee has some of them; they are now, however, scarce and their tenure is rare.

3. Dewasthan, or lands appropriated for the support of religious establishments both Hindoo and Mahomedan. The Hindoo establishments are of three descriptions: matibur dewasthan, gaum deotya, and suwusthan.

1st. Matibur is applied to temples of celebrity; the land appropriated for their support consists of several whole villages, or a small portion of any one village. These lands are given for repairs of buildings; deep, or lights; nawedya, or offerings of food placed before the gods; pooja, or expenses of the established worship; ootsaha, or celebration of festivals. The matibur dewasthan is generally alienated either by Rajpoot, or deeds given or confirmed by the Peishwas and their principal officers. There is also a good deal alienated on this account by village authorities and held by begota.

2d. Gaum deota lands are thus appropriated for the expenses of the village temples, and are alienated by village authority.

3d.

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3d. Suwusthan properly means an establishment in honour of some celebrated religious persons, although the lands of several of the Jagheerdars not performing service are sometimes so called. Most of the Suwusthanees of consequence were established by the Rajahs; there are, however, many establishments of the kind by the Peishwas and the great officers. Village authorities likewise granted such enams within the Sattara territory. The Suwusthans of celebrity are:

1st. Bargouram, whose sumadh (or place of interment of remains) is the village of Dawmsee. This Suwusthan was held in particular veneration by Bajee Rao, his son Nana Saheb, and Nana Saheb's brothers and nephews, of whom he was the Maha Pooroosh, or spiritual guide elect. The whole of their proceedings were regularly reported to him, and the letters are valuable historical records.

2d. Suwusthan of a Ramdass Swanee the Maha Pooroosh of Swajee, whose sumadh is in the fort of Parelee.

3d. Of Ragoonath Swamee, a Bromacharee, whose sumadh is at Niggree.

4th. Of Jyram Swamee at Wargaom. The Mahomedan religious establishments are likewise of three sorts:

1st. Muszed lands, appropriated for the repair of mosques.

2d. Durgah or Goombuz, applied to land granted for piers, places, and for the repair of mausoleums.

3d. Eedgah, lands granted for building and repairing places of Mahomedan prayer.

These lands are now found in the village alienations, though some are enjoyed on sunnuds of the Beejapore kings and of the Emperor Aurungzebe.

Besides these land alienations and the cash payments from the treasury, there are dewasthan nemnook payments from the Goom Sadilwar.

The fourth grand class of enams is the darmandao, or lands appropriated in charity, or as an act of religious duty. This tenure is enjoyed by religious Brahmins, such as Bhats, Shastrees, Josees, Pundits, and Pooranik. Some of the deeds are calleed dun putr, and such are the charitable grants of land which have been found engraved on copper plates, and made by the ancient Hindoo Rajahs, before the Mahomedan conquest. There are dun putrs, though not very numerous, by the Rajahs of Sattara and the Peishwas. There are also grants in dhurmadao from the Rajahs, the Peishwas, Jagheerdars, and principal officers, and there is a considerable deal of land alienated in this manner by the village authorities.

5th. Dehangee. There are numerous but not extensive alienations under this head. The persons under the head of dehangee enam holders are:

1st. Munturkury, sorcerers and magicians of all castes.

2d. Deorooshees, people possessing the power of controlling evil spirits, &c.

3d. Boroopees, a sort of players.

4th. Gursee, wajintees, pipers.

5th. Singarees, trumpeters who blow the sing or crooked horn.

6th. Tootarees, trumpeters blowing the long trumpet.

7th. Rukwaswalas, who beat the rukwas, or small drum.

8th. Kulwateens, dancing girls.

9th. Chitarees, painters.

10th. Utars, perfumers.

11th. Ruktwans, ink-makers.

12th. Putweykur, or workers in silk.

13th. Chobdars, or bhaldars.

14th. Paeeks, jasooses and hurkarees

15th.

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15th. Sonar, goldsmith.

16th. Seepees, tailors.

17th. Saatars, carpenters.

18th. Nalbunds, farriers.

19th. Goundees, bricklayers.

20th. Bhaees, fishermen and palanquin-bearers.

21st. Wydhs, physicians.

22d. Rajpoots.

23d. Kassar, bangle-makers.

24th. Panreys, persons possessing the gift of discovering springs of water.

25th. Mahbhao, a description of mendicants, some of whose customs are very extraordinary.

26th. Balpurveshee, land granted for the support of the children of one having lost his life in the service of the Circar or of his village.

Manpurweshee.—Is land granted in the same manner for the support of the widow of a person killed in the service of his village or of Government.

Weer.—Is land granted for defraying expenses incurred in celebrating the memory of a person killed in a boundary dispute, which entitles him to rank as a hero. In this part of the country veer lands are seldom or ever met with, as the bal and nan purwashee are probably supposed to include this respect to the memory and manes of the departed.

Wuttundar Enams.

Under this head are included the enams of district and village officers, which have been fully explained in the course of my replies to these interrogatories; and these, I believe, are all the tenure which comes under the head of alienated or rent free lands. On many enams, however, there is the enam tejaee, and which probably will be found to extend to many more, from which we have hitherto drawn no revenue.

The tenure of Government land have likewise been sufficiently explained in the course of my replies, or in former reports, so that a simple enumeration is all that is necessary.

1st. The meeras; 2d. the Oopree Zumeen, which comprehends kund, muckhty oundacuree Zumeen, which are lands cultivated in one village by the Ryots of another, and Bhuttye lands, paying half the produce; 3d. Sheree; and 4th. Istawa.

There are simple mortgages both on alienated and Government lands: if on the latter the mortgager is generally bound to pay up the rent.

I have, &c.

Sattara, 17th June 1821.

(Signed) JAMES GRANT,
Political Agent.

REPLIES *to* INTERROGATORIES.

Interrogatories 1st and 2d.

These two interrogatories I can only answer partially; we have not as yet been able to make a geographical survey of the territory of the Raja of Akulkote, nor of the possessions of the Punt Suchen, nor has any Jagheerdars sent in population returns past.

The Jagheerdar of Jan Rao Naik Nimbatkur contains 390 square miles; that of the Duflays, including both Jhutt and Kuzgye pergunnahs, contains 936.

In regard, however, to the districts under my own management, calculating Beejapore separately, I can reply with more precision.

Beejapore contains square miles 748, population 43,682; which gives 58½ to the square mile.

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Sattara, including the Prittee Nidhee's district of Alparee, contains 6,324 square miles; and, inclusive of inhabitants of Alparee, the population is 692,602, or 109½ to the square mile.

Interrogatory 3d.

Exclusive of the possessions of the Prittee Nidhee, the Punt Suchen, Jan Rao Naick Nimbalkur, the Rajah of Akulkote and Renhookye Duflay. The remaining gross revenue of the Rajah's territories... Rupees 35,39,835 1 18¾

Waste and uncultivated land, and land not paying kumal ... Rupees	3,91,813	1	87½			
Alienated lands	13,67,409	3	92¾			
Alienated shares of revenue, payable in cash	3,57,495	3	72½			
				20,16,?19	1	62¼
The balance is .... Rupees				15,23,115	?	56

The expense of the district establishment is .... Rupees	92,886
The Hindoo servants, including the Rajah's ministers	1,22,000
Sebundies, including those attached to the Rajah and garrisoning forts	2,40,000

Interrogatory 5th.

Government villages	957	
Domally villages under Government management	254	
Domally villages under the management of Aumildars	276	
Villages wholly alienated	176	
		1,663
Babtee Gaum, or villages in the possession of the Putwurduns, in which there are various items of babtee		42
Total villages		1,705

On the above-mentioned 1,663 villages the gross land-assessment is ...... Rupees	30,59,760	1	25
Alienated lands	12,67,409	3	92¾

The very incomplete state of all the village accounts of lands, renders it impossible to state the proportion between Government and alienated land, or between lands under cultivation and those lying waste. In the Ghat Mahta, and all over the Jaolee district, there is in fact no account; and there is such a variety of ways of registering the land by beegahs, thuckkas, thickees, &c. that I shall not attempt to guess it. The proportion, however, between the revenue on Government and alienated land is :—

Government land ...... Rupees	58	2	30¼
Alienated land	41	1	68¾

As the revenue of both are stated on the kumal, and as the alienated land, though frequently excellent when enam, is as often very bad when Jagheer, the proportion I think is much the same as above, or say,

Government land ...... Rupees	58
Alienated land	42
Total .... Rupees	100

This estimate includes the 122 villages in Beejapore.

Interrogatories 6th and 7th.

There are eleven divisions, and the average is Rupees 1,38,000.

Interrogatory

Interrogatory 8th.

For fusly 1228 there was a balance at the final summing up of accounts of Rupees 38,204. 0. 75, of which Rupees 10,365. 1. 18¾ was then remitted. Of the outstanding balance, Rupees 27,838. 3. 56½, Rupees 12,562. 1. 37½ has been recovered. Of the sum remaining there will still be a part recovered on the Honourable Company's account. For fusly 1229 there was a balance of Rupees 23,942. 2. 56; of this, the Rajah's Government at my suggestion remitted Rupees 11,300 The balance, Rupees 12,642. 2. 56¼, is coming in, and I expect it will be recovered.

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Interrogatory 9th.

Deaths by cholera morbus, a disease amongst the cattle; land become impregnated with salt; and over-assessment.

Interrogatory 10th

A tank in the town of Sattara, before useless, was cleaned and repaired in 1818-19, and during the unusual drought of this season it has been of the utmost benefit to the inhabitants.

Interrogatory 11th.

Reservoirs for the purpose of irrigation are uncommon in this part of the country. There are two at Mundapore in the Beejapore district The land supplied from them has a stream of a certain size, flowing for a given time, according to the surface to be watered. This is regulated by the villagers under the superintendence of the Shaikdar.

Wells are for the most part the property of individuals.

The common part or streams of water are regulated by the custom of the village, and considering the nature of the supply, disputes occur much more seldom than could be expected; when they do happen, the Potail and Koolkurnee are commonly able to settle them satisfactorily without complaint to higher authority.

Interrogatories 12th, 13th, and 14th.

Repairs attended with expense are made by Government, but where more labour is necessary the cultivators repair the pats themselves.

Interrogatory 15th.

This is a standing order, but it has not been fully attended to by the Mamlutdars, although every endeavour has been used to procure their regular transmission; however there was a great improvement in this respect last year, and I have always been able to obtain a comparative account in each district when making the general assessment, which compared in the dufter with such imperfect returns as they did send in, and with the Shaikdar's accounts to the Mamlutdars, gave a pretty correct account of the increase and decrease of cultivation. During the ensuing fusly, greater regularity on the part of Mamlutdars may be expected.

Interrogatory 16th.

No

Interrogatory 17th.

There are no difficulties in realizing the revenue, there is a little roguery sometimes, but unless over-assessed the Mahratta Ryots, generally speaking, bring forward their rents readily and punctually.

Interrogatory 18th

I have in no case had occasion to resort to such an extremity, but I believe distraint was not unusual in the best times of the Mahratta Government.

Interrogatory 19th

Yes.

Interrogatory 20th.

Excepting jagheers, whatever land was held when we occupied the country, or whatever was withheld by officers or revenue contractors without the consent of the late Government, was restored. Stipendiary allowances in lieu of jagheers, amounting to about 27,000 rupees, are annually paid from the treasury agreeably

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agreeably to special assignments by orders from the Honourable the Commissioner.

Interrogatory 21st.

The Rajahs hear complaints every day, particular fast-days and holydays excepted, and always *vivâ voce.*

Interrogatory 22d.

The principal source of revenue is the land rent.

The other sources are mohturfa, gheergunnah enam, tajavee, dungur, mehaul, zugat, coorans, jutras wunchuraee, &c.

Interrogatories 23d and 24th.

The kumaul is a word familiarly used by every person in this part of the country. Though with some it signifies the highest amount ever levied, with others it means the full standard assessment; as to what that standard is, no two Koolkurnees from different districts can agree, and four intelligent men questioned on the subject within this territory would most probably give different answers to these two interrogatories. The reasons of this I shall endeavour to explain. The first measurement and appraisement of the lands, of which we have even an imperfect account, took place under the Government of Beejapore or Adil Shahee kings I think this may have been during the last twenty years of the sixteenth century, and in some of the villages that statement of the land is the rated kumaul. The revenue accounts of the Beejapore Government were kept in pagodas.

As Sewajee got possession of the country he made a new measurement, but this appears to have been very imperfect. His plan of assessment was made on the same principle as that of the celebrated Mullik Umber, who levied two-fifths of the produce, or the equivalent in money, as the Government share. The Nizam Shahee accounts were kept in larees. Sivajee adopting the practice of Beejapore, kept his in pagodas.

As the Moguls conquered the country to the northward of the Nerbudda, they introduced their own system. In 1636 they acquired undisputed possesssion of almost the whole of the districts north of the Bheema, and in 1651 Moorshud Koolee Khan substituted the system of Tooder Mull for that of Mullik Umber. This was a permanent assessment on the land, termed the tunkha, much less suited to the state of the country at the time than that which had preceded it, but in establishing the favourite plans of an approved authority this is seldom considered.

The Moguls kept their accounts in dams, and from this date such, I imagine, will be found in the old accounts of the Ahmednuggur district. In that portion of the Nizam Shahee territories (Kullian, &c.) which fell to Beejapore, no alteration in the forms of accounts took place until Sewajee got possession of the districts alluded to.

In regard to the districts south of the Bheema, after Sewajee's death, when Aurengzebe had reduced Beejapore and had overrun this territory, he partially introduced the Mogul system; but he fixed the tunkha, not by measurement, but on the medium of accounts of ten years back, and afterwards went on raising the rent for a certain number of years as high as it could be brought. When at the highest rate, this was termed the tohfer kumal, and whatever deductions there might be, the kumal was the assumed amount entered in the accounts ever after. The people of the Mahratta country, where the word tunkha is known, now use it synonimously with kumal, and I apprehend that all accounts of the former are lost.

When the Mahrattas overspread the country, they imposed various additional puttees or assessments, and these were added to what the village officers said was the ancient kumal; but it is very evident that, whatever new names they introduced, they could not above one or two years have obtained additional revenue, for every exaction or drain beyond the regular supply must soon shut the resources of any country. The indigent Mahomedans had long been in the habit of taking all they could, and the complete introduction of Mahratta rule become a great relief.

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The kumal I would now define as the gross revenue of the country in its best days, for the last forty years, as far as we have yet been able to obtain information.

Interrogatory 25th.

Lands are classed under three grand heads; 1st jerayet, 2d baghaet, and 3d khachur. These are subdivided as follows:—

1st, Jerayet or dry cultivation, called by the villagers korurwaha, is thus divided:

1st. Kalee zumeen or deep black soil.

2d. Mowut zumeen, which is either a light black or a mixed soil.

3d. Mal zumeen, generally in elevated parts, a stony poor soil, frequently of a light brown colour.

These are subdivided: kalee zumeen into 1st, dhondal or stony; 2d, doonbee or dhas kalee, cracked black soil; and 3d, mullye or land liable to be flooded in the rains.

Mowut zumeen into murool or land on the banks of rivers and nullas, cheekun or clay soil, and oopeel or swampy soil.

Mal zumeen into kurl or choonkhur land, full of small roundish lime-stones, burrud or that of a light brown or reddish colour, and waloosia or of sandy pulverized soil.

2d. Baghaet (mulla) or irrigated land, is divided into patusthul or watered from a stream, and mohtusthul from a well. Each of these are classed into ek pikhee and do pikhee, or producing one or two crops: the distinction in both cases, of course, depends on the supply of water, not in the nature of the soil.

3d. Khachur or rice lands. All of this description within the Rajah's territory depend, with trifling exception, on the periodical rains. The small rivulets from the mountains supply the rice fields for forty or fifty days after the south-west monsoon; and should these rivulets be likely to continue flowing after the rice is cut down, a crop of dry grain is sown immediately.

In the Beejapore district, the names of these are different. The three grand classifications are called; first, hola; second, wattey; and third, guddey or haley. The haley or zerayet is divided into regur, kurle hola, and mal murdee. The only difference between these and what has already been described is, that the mal murdee or mal zumeen of Beejapore is generally not of a brown but of a blackish colour.

The guddey or khachur lands in Mundapore are there supplied from the tank.

The three descriptions of land are classed into umul, daoeen, and seecum; first, second; and third, according to their fertility.

The proportions which the various sorts of land above enumerated bear to each other will be thus shewn.

Mahratta Names.	Concan Names.		
1st Jerayet, or dry cultivation:			
1st. Kalee zumeen	Regur zumeen	5	
2d. Mawut zumeen	Kurlhola	4	
3d. Mal zumeen	Mal murdee	4	
			13
2d. Baghaet, or garden land:			
1st. Patusthul	Beergaola.	1½	
2d. Motusthul	Motee	1	
			2½
3d. Khachur, or rice land:			
1st. Khachur	Guddey haley		
	Grand Total		16

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Interrogatory 26th.

As already alluded to in the answers to interrogatories 23d. and 24th, there have been surveys of the land. The first by the Adil Shahee Government, and the beegah, as then calculated, still retains the name of adil shahee. This survey appears to have been made to a great extent, but there is no record of it in writing, and so little can we depend on report, that whilst some state the katty or measuring rod of the adil shahee at three cubits and a-half, others refer to the exact measure said to be marked on a stone at the village of Nhere in Khuttao, which I found five cubits and three hand breadths; whilst another mark by the side of it shews what they there call the seew shahee, or Sewajee's standard measure, which is six cubits and three hands breadths; but Sewajee's standard measure, according to the received opinion of the country, is five cubits and five hands breadths.

The only way of bringing the land to account in the villages is by paunds, beegahs, and chavure; and although pauch hath pauch mothee is the universally admitted standard, it is not in general use.

Captain Adams, when about to commence the revenue survey, obtained fifty-five katties from every part of the country; the longest was ten haths and one tussoo, the smallest five haths and two tussoos; the average being six haths and six tussoos.

This part of the country has laboured under some peculiar disadvantages in regard to revenue arrangements in later times, owing to the neglect or mismanagement of the persons in charge. In the time of Bellapore Bajee Rao, there was a partial survey made in the Waee and Kurar districts, by Sham Rao Ambajee; this extended to thirty-one villages, and in some of them the record is still extant and in use. Succaram Bhaugwunt, Mamlutdar of Chundun Wundun, and Baboo Krishm, Rao of Sattara, also surveyed a few villages, but the accounts are not to be found: all the persons are said to have taken their measure from an ancient tomb of a Potail at the village of Neemb near Sattara. The length of this tomb along its northern side is referred to about Sattara, like the Nhere stone in the neighbouring districts of Kuttao, as the correct standard. On measuring the north side of this tomb it was found to be exactly three guz and twelve tussoos, which at fourteen tussoos to the hath, is six haths, which precisely agrees with the general opinion of the country; for five haths and five clinched fists are less than six haths, and the five fists with the thumbs extended (as practised by some people in measuring) will give a deal more. Six haths is the medium. The liberal allowance for a hath or cubit, is fourteen tussoos of the Sattara guz, which is in length twenty-four tussoos, equal to two feet ten inches five decs.

Upon these grounds, Captain Adams formed his kathee for the present survey; its length in English measure is nine feet $11\frac{175}{1000}$ inches, giving a beegah 4,383 square yards, being 457 square yards, or hardly fifteen square poles less than the English acre.

The tukha in this part of the country is not two chaours 240 beegahs; it is a division of the chaour into any number of equal parts. A chaour may be halved or quartered into tukhas, and it may contain twenty tukhas of six beegahs each. A tukha, whatever number of beegahs it may contain, is divided into sixteenths called pice, and every pice into three shares called rookhas: each tucka therefore, of whatever size, contains forty-eight rookhas, and the revenue falling on the chaour of land, being divided and laid on the tuckas, is again subdivided and laid upon the rookas; the cultivator having to pay his revenue according to the number of rookas which he holds. A chaour of land, for example, would be divided thus:

One tuckha, or twenty beegahs of uwul zumeem, at two rupees per beegah	40
Two tuckha, or forty beegahs of dooem zumeen, or one rupee and a-half per beegah	60
Three tuckas, or ten beegahs of sewin zumeen, at eight annas per beegah	30
Six tuckhas, or one chaour, paying..............Rupees	130

or

or it might be divided in this manner: one chaour of land divided into six tuckhas, each tuckha containing:

Five beegahs of uwul zumeen, at two rupees	Rupees	10
Five ditto, of dooem zumeen, at one and a-half		$7\frac{1}{2}$
Ten ditto of sewin zumeen, at eight annas		5
Revenue on each tuckha	Rupees	$22\frac{1}{2}$
		6
Six tuckhas, or one chaour, paying	Rupees	135

I have supposed the chaour to be divided into six tuckas, but the principle is the same whatever number of tuckhas it contains, and the Collectors of the chaour pay their portion of revenue according to the number and quality of the rookhas which they cultivate. Tuckhas are only used in taraf Neerthurree, where the begownee or assessment per beegah of Adil Shahee was in use, which was altered for this mode of using the tuckhas, and was probably at first adopted to accommodate the shares of land and its revenue to the division of hereditary property, according to the Hindoo law. Indeed, the assessment is now laid on as much beegownee as ever by the above method; but in most instances in this part of the country it will probably be found in practice, that the size of the tuckha is not correctly known, and that the proportion which it at first bore to any part of a chaour, is now lost, and nothing remains to guide us but the practice and custom of the village.

Every tuckha, like the tukseem or taraf of a village, has a managing head of the *bahoo bund*, who apportions the rookhas and their revenue among the relations individually. When the divisions of the chaour into rookhas first took place, it is probable that the numbers of them depended upon that of *waneels* or heads of families in the village at the time, for the practice in every village is different, the tuckha varying from one-half to one-twentieth of the chaour.

The tuckha is no specific measure, nor is the theckee. The theckee is applied to an assessment on the field, which at first was probably formed upon its measurement; but nothing can now be more indefinite than the theckee, it may be one or it may be twenty beegahs. Theckees are not general, being chiefly in use in various villages of the Kemapore, Walwa, Waee, and Koregaom Petas.

The boorka is only in use in the coras and warron taraf. A village is divided into a certain number of boorkas or shares varying from ten to fifty each, containing a known number of fields, but not a defined quantity of land by measurement. Each boorka has a managing Ryot, generally the head of his family, who distributes the land of the boorka and its revenue among the bahoo bund, the royotwar puttee is made out in the name of the managing Ryot (boorkachee kool).

These are all the various terms used in entering the lands in the village accounts; the Mhow and cheggur are not known.

Interrogatories 27th and *28th*.

See accompanying table marked No. 1, which will furnish a reply to these.

Interrogatories 29th, 31st, 32d, and *34th*.

With eight bullocks, a Ryot may cultivate about sixteen beegahs of black soil, of which say that

4 beegahs are of uwul, at $10\frac{1}{2}$ rupees	Rupees	42
6 ditto of dooem, at 7		42
6 ditto of seewun, at 4		24
		108

In this will be produced six thousand seers of grain of different descriptions, say:

3,360 seers of jowarree.
1,046 ditto of bajree and daul.
672 ditto of grain.
504 ditto of wheat.
418 ditto of oorid.

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The price at the average rate for the last five years, at 5 pylees or 20 seers per rupee, will give Rupees 300

The Government of this receives .... Rupees		108
Expenses of seed, balawtay, manure, jaltras, &c.		96
Ryots shares		96
To state this agreeably to the form giving gross produce		100
The Circar's share..	36	
The Ryots ditto	64	
		100
Of the Ryots shares there goes to fees to village or district officers and the expense of cultivation		32
To the maintenance of his family, estimated at eight persons ...		28
Saved after paying his rent, maintaining his family, and keeping his agricultural stock		4

To exhibit this and the answer to the interrogatories, which follow at one view.

	Produce.	Rent to Govern-	Expenses of Surt, Hu Balawtay, Manure, and Jaltras.	Total Expense.	Ryot's Shares for his own Support and that of his Family and Cattle.
	Rupees.	Rupees	Rupees.	Rupees.	Rupees.
1st. A Koonbee cultivating mixed land of dry cultivation, in all 32 beegahs, and possessing eight bullocks	216	92	90½	162½	84½
2d. A Koonbee cultivating a portion of irrigated and a portion of dry land, in all 12 beegahs, and possessing eight bullocks	161	54	54	108	53
3d. A Koonbee with eight bullocks, cultivating 16 beegahs of sheeavy black soil..	300	108	96	204	94
4th. A beegah of garden land cultivated in beetle-leaf requires another beegah to supply it with earth; therefore, cultivated at 2 beegahs, is	291½		137½	162½	129
5th. A beegah of garden land cultivated in sugar-cane	112½	10	40	50	62½
6th. One ditto, cultivated in plantain-trees	75	10	20	30	45
7th. One ditto, cultivated in various sorts of fruits	307	15	210	225	82
8th. One ditto, cultivated in vegetables..	40	10	10	20	20

Though such be the statements procurable, it remains to consider how far they can be relied on. The cultivator, in addition to what he obtains from his Government lands, derives advantage from various kinds of muzmooree (hiring out himself and cattle), cutting and selling firewood and forage, breeding and selling cattle and horses, sale of milk, butter, and ghee.

The expenses likewise in the foregoing statements seem exaggerated; manure, for instance, can be obtained by a villager free of all expense, except the labour of carriage, unless when sheep and goats are penned in different spots, when the cultivators pay the owner in a small quantity of grain: this is reckoned the best of all manure. In the above accounts, likewise, there is nothing admitted for kurbee and other forage, the reason of which is that the subsistence of the cattle is reckoned by the cultivator as an equivalent. This has nothing to do with the first purchase.

The koonbee likewise subsists for a month or six weeks on the ripening grain; a few carrots and radishes, three or four toasted ears of joary, and a stalk of sugar-cane, make a sumptuous meal which is not admitted in this calculation; yet if we merely take into account the Ryot's share from lands paying the full Government assessment, I am inclined to believe what they themselves

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themselves say, that we should generally find that they have not sufficient left to subsist and clothe themselves and their families, the Ryot holding land of this description has always some other lands from which he derives much more proportional advantage, and although this is not generally managed here on the systematic plan which obtains in the Beejapore pergunnah, there are portions of kund muckhtas istawa, &c., which they get to help them out, besides almost all alienated lands under Government management, and if the Ryot be of the Bahoo bund, he generally holds a part of the Potail's enam lands.

It ought to be held in mind, that what the Ryot derives by our system, there is one grand source of emolument which has failed, and which in every village of this part of the country is severely felt, the members of the family who were Sillidars are without employment.

Of the nature of these inquiries you know the practical difficulty. No pains have been spared to aid the conclusions you wish to form, but I apprehend that the answers to these six interrogatories from every part of the country under the commission will not prove satisfactory.

Interrogatory 35th.

Land newly reclaimed has always been brought into cultivation on istawa lease of from five to seven years duration, the rent for the first year being very trifling and increasing progressively until the last year of the lease, when it is brought up to what is considered the fair rate of assessment on the field.

On such land the specific share of Government and the Ryot, for the first years in particular, differ considerably from those on land long cultivated, and are much more in favour of the Ryot.

Ooprees or strangers do not in general pay so high a rent for land of the same quality as Meerassadars or Wuttundars (fixed residents), consequently, their shares of the produce are greater. This is, however, counterbalanced by many advantages appertaining to Meerassadars which Ooprees do not enjoy.

Interrogatory 36th.

Highest rent of a beegah of black land ....Rupees	16
Lowest............ ditto .... ditto	1
Highest rent of a beegah of mixed land..	8
Lowest .... ditto .... ditto	[illegible]
Highest rent on a beegah of mal zumeen	2
Lowest .... ditto ditto	
Highest rent on irrigated garden land..	25
Lowest .... ditto .... ditto	1

All the above kind of lands may be either meeras, or ooprce chalee kundmukta or istawa terms, which apply wholly to the tenures and method of paying the revenue, unconnected with the nature and quality of the landand soil.

Interrogatory 37th.

Ryots being Meerassadars possess a private inheritable right of occupancy on condition of paying the Government dues. This right they can sell or mortgage; and although the permission of Government may at some time have been necessary, it has not been usual to interfere, because the state loses nothing by the transaction. The person who buys the meeras right becomes responsible for the payment of the Government assessment.

Meerassadars are of two classes, being either of the Bahoo bund Wuttundars, possessing the land supposed to have been originally cleared of stones and jungle by their ancestors, or they are cultivators who have acquired the meeras right by long residence in a village, for one or more generations, holding the same fields and paying all dues regularly; and although I have not met with any sunnuds from Government, the Circar can bestow land in meeras, provided it is not meeras at the time. The purchasers of any meeras fields is admitted into all the rights and privileges of the late occupant.

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The first and most respectable of these two classes of Meerassadars are styled Potail Wuttundars, because they generally enjoy, as Bahoo bund Wuttundar, a portion of the enam land belonging to the potailship, together with the maun paun, or rights and privileges. The other class are termed Stulwayk and Koonbee Wuttundars; but as far as the meeras right in land extends, both classes are on an equality.

The Meerassadar has many advantages which an Oopree has not. He cannot be dispossessed of his field whilst he pays his share of revenue. He has a voice in all affairs concerning the village; he is often palnook, or exempted from the googree (Potail's dues) and ghurgummah (or house-tax); he possesses a right of grazing on the gaerran or common, a share of the gaoton or village site, on which he may build and sell his house, which the Ooprec cannot. The latter may build, but he can neither sell nor remove the house, which becomes the property of the village, or of the Meerassadar on whose share of the gaotan it is built.

A Meerassadar can contract a marriage with respectable families, with which an Oopree cannot become allied. The Meerassadar has most influence, he can therefore more readily obtain shares of kund mukhta and alienated lands. On his meeras fields alone the Meerassadar possesses no advantages over the Oopree; on the contrary, the Ooopree, holding a common kund mukta, is in that respect better off. It is the advantages accompanying the meeras right which makes the tenure so desirable: it is not known how it was originally obtained.

By a former calculation in 1819, made on the supposed Ryot's *share*, not on the *profit*, I made the average of the year's purchase ten years; but I estimated the share far too high: the average, I think, may be more fairly stated at from five to seven years' purchase. The term years' purchase, however, is scarcely applicable to the meerassee tenure: the calculation of years' purchase cannot with propriety be made unless on the actual income which the purchase yields; we have very uncertain data for calculating even the Ryot's share of the produce. I was more fortunate in procuring meeras papers two years ago than I have been now, and unless Ballajee Punt Nathoo has got the copies in which I made my calculation, which can be ascertained on inquiry at Poona, I am afraid I shall not be able to recover them. I send translations by Captain Adams of six bills of sale, No. 2.

Interrogatory 38th.

It does not appear that any register of such sales was made. Long usage has rendered application to Government unnecessary; but sometimes applications were made to Mamlutdars for a certificate of the sale, in order to attest the transaction, in which case a nuzur was presented. By those who maintain that the consent of Government was never necessary, this is not admitted as an argument against this meerassee privilege, as they say that is merely obtained as an additional document, proving the sale in case of the seller's title to dispose of the land being aftewards disputed by relations. The meeras bills of sale are very particular in guarding against any claims by other members of the seller's family.

39. If a waste meeras field paid the Government assessment, it would be equally liable to the payment of the cash huck dues: waste land under any other circumstances pays no huck. Meerassadars pay all hucks the same as Ooprees, but when they are of the Potail bahoo bund they pay no googree. Stutwayk Meerassadars are likewise sometimes, by patticular agreement, exempted from googree and gurjunmee. The Meerassadars in troubled times were liable to the payment of sudder kundnee, or contributions required by a marauding enemy as the price of exemption from pillage: the Ooprec, by the rule of the country, ought not to be called upon to pay kundnee of this sort.

Interrogatory 40th.

Should the Meerassadar remain in his village, and his field be waste, the other Meerassadars were obliged to pay up his rent; but when he became paragundia and went abroad, as is generally the case when he is insolvent, the other Meerassadars pay nothing, unless they choose to take the field and

pay

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pay the full assessment. But this is seldom done, except amongst relations; and when not taken, the Government may let out the field on lease: but as the Government Carcoon or Surdar has not such influence as the Potail, the latter is the person who makes choice of the occupant, and the field is apportioned by him in kund mukta, at a rate inferior to the regular assessment: when the Meerassadar returns to claim his field, it is restored to him at the expiration of the lease.

Usage has established the greatest forbearance in regard to Meerassadars. Where the revenue is not paid, the right of Government to declare it forfeited is not disputed; but no Meerassadar will willingly quit his field, and if it would yield a profitable crop, such as might make it an object with Government to take possession, the Meerassadar's Bahoo-bund, or his townsmen, would readily cultivate and pay the rent of it; so that there can be no advantage, and consequently no forfeiture, unless the Government should dispose of the field to another in meeras, by which the new occupant would become entitled to other advantages, besides the profit of the field: but this seems never to have been resorted to

Interrogatories 41st and 42d.

The meeras tenure is general throughout the country; but in the Beejapore district, except amongst some lands held by Potails, the tenure has disappeared. I conclude, however, that it did exist, but that during the decay of the Beejapore Government, and the oppression which succeeded under the Mogul Omrahs, that the tenure, as a matter of course, was destroyed.

Interrogatory 43d.

In the Rajah's territories generally, it is reckoned there are about two-thirds meerassees to one-third ooprees, or seventy meerassees in the hundred; this, however, does not give the proportion of meerassee to ooprее land.

Interrogatory 44th.

The Ryots are very tenacious of their meeras right in land.

Interrogatory 45th.

In all, Ryotwar puttees 69,360 were issued for fusly 1229; there will be upwards of 75,000 for 1230, inclusive of Beejapore.

Interrogatory 46th.

The ryotwar settlement having been made, Qubool Kutbees, or papers of assent, are received from the Ryots individually, specifying as far as practicable the quantity and quality of the land, and always the amount of revenue, sadir warred swaee jumma, &c. From these, the ryotwar puttahs are formed. Both are forwarded to the huzzoor, and the puttahs are signed and sealed; they are then returned to the Mamlutdar, and they are ordered to be interchanged between the Collectors and village authorities. The Mamlutdar and Potail are both ordered to retain copies of the kubool kubta; but this being a new practice, it requires time and perseverance to cause it to be attended to.

Interrogatory 47th.

Chalee, kundmukta, and istawa, are the terms in use here.

Chalee means usual, customary, in use; and in its proper sense is applied to land which, after the expiration of the istawa lease, may be assessed according to its quality and soil. All the regularly assessed land is chalee, or, as it is more frequently termed here, wyheet.

Kundmukta, in its real sense, means land held at a fixed annual sum, which, like all contracts for the cultivation of land, is lighter than the regular assessment.

Istawa is a lease for bringing waste land into cultivation, granted for a period of from five to seven years, and progressively increasing up to the last year, when the land is liable to the full rate of assessment, and becomes chalee or wyheet: such is the definition of istawa generally. The rules on which istawa are granted are those drawn up by Mr. Chaplin, dated 19th May 1819, and a sfar as they are applicable are adopted here.

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It is not supposed that all land can pay up to what is considered the full rate of assessment, according to its soil and quality, therefore it is a very common custom in this country, when the general assessment is laid on the village, for the heads of the tukseems or turrufs, in conjunction with the cultivators, to settle among themselves what portion of land is to be classed as chalee zumeen, or paying the highest rate of assessment, and what as kundmukta, or paying a reduced rate; and in many villages land paying still less than the kundmukta is called istawa, not because it is held on a regular lease of that description, but because its share of revenue is very light. The term chalee zumeen and kundmukta in revenue settlement do not therefore always apply to any specific quality or description of land, but in many cases to the land as it stands in regard to paying a higher or lower rate of assessment. A cultivator could not throw up the chalee, because it often applies more to the division of the revenue than to any particular field, and the general interest of the villagers will compel the cultivator to bear his share of the chalee, which otherwise must fall upon the community. The greater part of land assessed as chalee is meeras, but a portion of it is also ooprее. This depends upon the proportions of meeras and oopree land in the village. The cultivated land of some villages is all meeras. In a few, I believe, all the Government cultivation is classed, and pays as chalee zumeen; but, in that case, what is considered as the full rate of assessment must be much lighter than in other villages, where part is classed as chalee and part as kundmukta. Nothing is more vague and uncertain than the custom of various villages as to what they consider the full rate of assessment on different lands. There is probably much imposition practised in this way; but such is the custom of the country, and very great care and experience is necessary before the plan for appraisement of land can be attempted.

The cultivation of alienated land, from the easy terms on which it is generally granted, assists the cultivator very much in the payment of his revenue due on the full assessed Government land. Oopree lands are generally on more favourable terms than the meeras, and although oopree land is often classed as chalee, yet by far the greater part of chalee is meeras. Swasthee and oostee are terms unknown here. In the Beejapore district I believe each Ryot has generally a portion of three tenures, chalee, kutgola, and quol; the chalee is highly assessed, and the kutgola and quol are given in proportion to the quantity of chalee, as mentioned by Mr. Chaplin in paragraph 44 of his Revenue report, dated 25th September 1819. I have not fully investigated this in Beejapore, but in this part of the country there is no exact proportional distribution of the kind there described.

Interrogatories 48th and 49th.

Sheree lands were those immediately under the management of Government. They are supposed to have been originally taken for the purpose of forming gardens and having fields in the hands of the Circars. Excepting the khas bhag or garden ground of the Rajah, all the sheree lands are now placed under the management of the Potails of villages, and their rent included with the village assessment. When the sheree lands ceased to be retained by Government for its own use, they were rented out direct by the Mamlutdars to cultivators, and generally at an easier rate than the lands managed by the village authorities. These rates are continued, and the old cultivators retained on the former terms, except where fraudulent gouls have been discovered by the collusion of former Mamlutdars.

Interrogatory 50th.

Ryots cultivating Government land are of two classes, *viz.* Meerassadars and Ooprees. No Meerassadar will throw up his meeras land, for the reason stated in my reply to interrogatory 37th; all Oopree land may be relinquished at pleasure, and a person holding such land is liable to be ousted at the expiration of his quol. The officers of Government exercise no control over meerassee land, except collecting its rent.

Interrogatory 51st.

The Potail and Koolkurnee, whose conduct was superintended by the Kamavisdar or a Shaikdar Carcoon. The same practice now obtains under the superintendence

superintendence of the Shaikdar, but the rules are more strict, and the superintendence more efficient; the authority for every thing emanates more directly from Government. The village officers have not the same authority as formerly of granting cowls; the Shaikdar reports to the Mamlutdar, and obtains his previous sanction. There is no interruption to cultivation from this practice, for although the arrangements may seem to operate in making it less an object to collect inhabitants, the general protection from exaction is of much more consequence, and the Potail has still all proper inducement by the additional dues which cultivation produces.

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If a Ryot, being a Meerassadar, refuses to cultivate his field, he is threatened with being obliged to write down his resignation of all privileges. If an Ooprее refuse to cultivate, the field is offered to another; but if no one will take it, the rent is lowered: there is no other restraint, and never has been.

Interrogatories 52d, 53d, 54th, 55th, and 56th.

Sewajee first laid claim to the chowth and sirdaismookhee of a part of the Beejapore territory. During his time the system was sufficiently simple: he claimed these umuls, and he took as much more as he could; the whole was lodged in his treasury without any complex divisions amongst Sirdars.

When the Government under his successors became weak, the Mahratta Sirdars kept up the plan of exacting all they could as sirdaismookee and chowth; but it was not until some time after the accession of Shas, and nearly forty years after Sewajee's death that the Mahrattas acquired imperial grants of the sirdaismookee and chowth of the six soubahs of the Deccan; they likewise at the same time, in 1719, obtained the cession of that part of the Deccan and Concan which had been in Sewajee's possession. This tract was termed Sewajee, and Gudeem Raji their own former sovereignty; the whole of which was entirely under Mahratta management.

The sirdaismookee was ten per cent. on the land revenue, and was levied both upon the Swurajee and the country in possession of the Moguls over and above the land assessment. The sirdaismookee was appropriated for the Rajah's state expenses, and was henceforth termed the Rajah's wuttun.

The chowth was one-fourth of the standard assessment levied on the provinces not in the possession of the Mahrattas; but some districts of the swurajee had their chowth alienated, which accounts for the term when found in the old accounts of such districts.

We must now suppose, in order to answer these interrogatories clearly, that the whole collections both of chowth and swurajee are realized.

On every hundred of the whole revenue, there was one-fourth set aside for the Rajah's personal expenses; this was called the babtee. The balance was termed mokassa.

Upon the mokassa there were two babs, amounting together to eight per cent; the one was termed shahootra, and as the word implies, extended to six per cent. on the whole mokassa, the other was two per cent. likewise in the whole mokassa, which was named nargownda.

This is the real origin of these terms as applicable to Mahratta revenue, and those who seek for explanation in the etymology of some of the words will be greatly misled.

The well-known nargownda of the cartatio, or Sur Potail of the Deccan, here literally signifies two per cent. upon three-fourths of the whole Mahratta revenue, exclusive of the surdaismookee.

Mokassadar, under the Beejapore Government, was head Mamlutdar of a district, and in the origin of that office render a Mahomedan Government. Some speculation as to the meaning of the word may with great propriety be admitted. I suppose it to be derived from the Arabic word "mogaitee," signifying the place of collecting the customs or taxes, and in this idea I have been confirmed by finding the word spelt with a *gaf* (ك) in the older huzzoor sunnuds of Beejapore.

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The sahootra is established on the mokassa of the Mahrattas, and was bestowed by the Rajah as the wuttun of the Punt Suchen, in consequence of the great services rendered by the then Suchen Sunkayie Narrain.

The nargownda was distributed in gifts to various persons in the same manner. The hereditary chitness, several of the Dhungur Sirdars, *viz.*: Atolay Thorad, Kakray Waug Moray, and Yemmajee Sewdeo Nootalig, of the Prittee Nidhee, received the nargownda of the whole soobah of Aurungabad.

The mokassa was at first generally given, as surinjam, for the maintenance of troops. All the Mahratta shares of revenue were paid by assignments, and in consequence of particular agreements and modifications, and many alterations subsequently introduced. We should never be able to trace this from the system now found in the country, without previous acquaintance with what is above stated.

The sirdaismookee was collected by particular officers appointed by the Rajah. The chowth was levied by Mahratta revenue officers. Some of it was collected as babtee by the Rajah's officers, some as sahootra by the Punt Suchen's Carcoons, and some as nargownda by the assignee to whom it belonged, whilst the mokassa was, in like manner, levied in whole, in halves, or parts.

The balance of the revenue of those provinces to which the chowth and sirdaismookee extended, was realized by the Moghuls under two heads, jagheer and foujdarry; but as the Mahrattas got possession of part of these, they called such part swurajee, and the remainder mogley, and these remain in very general use in many villages. On obtaining further possession, the Peishwas called the share taken from the Moghuls, khalsa; and as the domestic usurpation of the mookh purdhun became more complete, the whole of the state revenue was termed hoozzoor mamla jelhee (zilha) a term at firs t applied by Rajah Ram when at Girjee, to the portions of revenue collected by the Punt Suchun and Punt Amat at Sattara, and afterwards to portions of babtee collected by the Peishwa Suchen and Prittee Nidhee. It was applied to the Prittee Nidhee's share of the revenue of districts, held jointly with the Peishwa; the Prittee Nidhee's umul being classed under the head of jalherah, that of the Peishwa's, as huzoor mamla.

Umul, when alienated, generally specified in the deed of alienation the per-centage that was to be levied, or in allusion to some local usage, then well known, would sometimes mention. According to the established custom when nothing was specified, the definitions described above would have been adhered to. The umuls however were frequently altered, and sometimes in consequence of a long established custom would differ materially from the divisions established in 1719. For instance, the sirdaismookee at ten in the hundred, was sometimes arbitrarily collected above and below that standard Sometimes where it has descended as hereditary wuttun of a mankurie, it was only two per cent.; in that case, when not jagheer, the Rajah's sirdaismookee would be collected additional, and when the Mankurees' wuttun was sequestrated, this made the sirdaismookee twelve per cent. If, on the other hand, it descended to the present time in jagheer exempted from the Rajah's sirdaismookee, it would be two per cent. only.

The per-centage, whatever it might be of alienated umuls, was generally collected upon the land revenue after all customary deductions had been made.

Referring to a village completely in the possession of the Mahrattas sixty or seventy years ago, where the management was in the hands of Government, it would have been settled in the following manner:—The nukta bab or taxes was the first item of the account; they were levied on the plan called thunk bundee. There are three thukhays and a quarter to the rupee, and the cesses were imposed at so many thukhays. The total amount on being found was put down; next came the statement of the arable land, from which were deducted fallow land, alienations, huckdars, village dewasthan, and balootay land. If the Potail's and Koolkurnee's enam land was not particularly specified and included in the above, the fair allowance to both together was five beegahs,

beegahs, as per chaour, upon the remaining balance of the land, after the deductions specified, and all persons possessing land alienated by Government ought to have allowed the Potails and Koolkurnees proportionably. The amount of the assessment on the remaining land was then added to the amount of the taxes or nukta bab, and upon this the following seven puttees would have been applied:—

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1. Expenses of collection at .... 5 per cent.
2. Sirdaismookee ....10 ditto.
3. Daismookee.. 5 ditto.
4. Daispandee .... 2½ ditto.
5. Dais changoola .... 1½ ditto.
6. Sahotra .... 6 ditto.
7. Nargundah .... 2 ditto.

When the whole of these puttees were calculated, the total jummabundy was found, and the village authorities, with or without the assistance or controul of the Government agent, proceeded to divide the assessment. The extra assessment imposed was a per-centage levied in the same way as any of the above puttees. The other sources of Government revenue came under the head of bazee bab, including puttees on Enamdars and Huckdars, all contracts and petty exactions in kind, &c. &c.

Interrogatory 57th.

Wuttun and meeras both signify a hereditary right of any kind; but meeras is more particularly applied to land, whilst wuttun is general in its signification.

Wuttun is not only applied to any kind of real hereditary possession, but also to the right of performing the duties of any hereditary office, whether of Daismook, Daispandee, Potail, Koolkurnee, &c., and so down to the lowest of the village establishment, all are wuttundars. The rights and possessions attached to the wuttun of an hereditary office belong to the body of relations generally, but the right of performing the duties of it attach to the wureel punnah, or heads of the family. If he be not capable of the charge, the most active and intelligent person from among the relations is selected; and independent of the gratification which this choice confers, small pecuniary remuneration from the body of relations are paid to him, the fees and perquisites of office generally belong to him. But all enam land and real property is enjoyed according to the principles of the Hindoo law modified by the practice of the village or the family.

Interrogatory 58th.

Isafut enam gaum is applied to villages held wholly in enam by Daismooks and Daispandees, whilst their portion of land in villages are called enam only. They were probably granted for extraordinary exertions in their revenue duties or bestowed as gifts in addition to their per-centage on the revenue. They are all in virtue of their office, and so far are distinct from other enams; but they are not, as some of the revenue contractors used to assert, equivalent only to jagheer.

Interrogatory 59th.

Security was not always demanded, but the Potail was obliged to give security to Government when there was any doubt entertained of his ability or inclination to pay. Now, as a general rule, neighbouring villages are held responsible for each other, and this species of security or zamin sanklee, as it is called, is taken at the time of making the general assessment. The Ryots are in this way security for each other.

Interrogatory 60th.

Cowls for clearing waste land were given under the old Government generally for five or seven years; they are usually termed istawa or cowl istawa. The first year a very small rent was paid on the land, which however increased progressively every year, and after the expiration of the cowl the full rate of assessment was paid. The only difference is that the cowls formerly granted by the village authorities are now granted by Mamlutdars with the previous sanction of Government, and the agreement is strictly adhered to; which is not

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not always the case by the Potails, who frequently levied puttees over and above cowls.

Cowls are not granted without previous inquiry into the character and former places of residence of the applicant, who must come recommended by the Potail of the village where the cowl is to be granted.

Common cowls for kundmukta land are settled by the villagers, under the superintendence of the Shaikdars.

Interrogatory 61st.

Kooruns, or grass lands, were the only waste lands reserved by the former Government; they are still kept under the immediate management of Government, and the Kooruns not required by the Circar are rented out.

Waste land to the amount of 10,080 beegahs has been reclaimed since the Company's accession to the Government.

Interrogatory 62d.

Only two villages have been wholly re-peopled. Few of the villages in these parts were wholly deserted, and the state of population must first be superabundant in old villages, before the cultivators well migrate and settle on new lands. In the Beejapore district several villages have been re-peopled, but how many I have not exactly ascertained.

Interrogatory 63d.

A roggee was sent by the Mamlutdar, desiring the village to send the huptee in a certain number of days; if it did not come, a fine called mussallah was added, and another roggee sent. Tagaza, in the usual way, followed in all its stages.

Interrogatory 64th.

The Mamlutdar, or his agent, sent for the Potails and settled it.

Interrogatory 65th.

In the first place, even when the farming system did not prevail, it was usual for Government to tell the Mamlutdar that it was expected such a sum would be collected, and former statements of accounts were furnished for his guidance. The general plan adopted by the Mamlutdar was the mauzawar; but when the Potails were incapable, obstinate, or unable, the Mamlutdar himself, or his agents, sometimes made the settlement by the ryotwar.

Interrogatory 66th.

During the farming system an annual contract was the most common; the time of duration of the contract was for one or two, and seldom exceeded three years.

Interrogatory 67th.

Except in the instances above adverted to, the Potail distributed the details, assisted by the Koolkurnee and the villagers. The village officers of course knew the individual amount which each Ryot could afford to pay, but the settlement was not, and could not be made first with the Ryot; the consequence was, that even in cases where cowls were given to individuals, the Potails frequently exacted more at the time of the distribution. This, however, it is to be observed, although a common practice was not reckoned a fair one, a Potail always levied it under the plea of necessity.

The answer to Query 56 will explain how puttees were generally levied; but there was a variety of ways, sometimes on the beegah, sometimes on the rupee. The cess was called khurch puttee, zheastee puttee, &c. These were puttees on a great variety of occasions by the Potail, under the general term of gaum khurch.

Interrogatory 68th.

By puttees on the Ryots, if possible; sometimes by running in debt to a Soucar.

Interrogatory 69th.

The distribution of the assessment is now made by the Mamlutdar and the Shaikdar, assisted by the Potail and Koolkurnee. The sadirwar puttee is sometimes

sometimes upon the aien jumma, and sometimes separate. There was formerly no end to puttees for gaum khurch, now nothing more can be levied than what is set forth in the Ryots putts. The accounts of the village of Pal for the year 1782-83 and 1819-20 are transmitted, marked No. 3. The accounts of this village are very complete, and the present only differs from the former in the ryotwar kubool kutbas and puttees. The village kubool kutba was not made out as it now is, setting forth every item; it was a mere memorandum of the amount to be paid.

Interrogatory 70th.

The Government always at least professed to protect the tenantry; oppression in the form of exaction was the most common under the Mahratta Government.

Interrogatory 71st.

In a few villages there are partial payments in kind; and in the very early times of the Mahratta Government, the practice of the Nizam Shahee state, as introduced by Mullik Umber, of determining the demand by a share of the crop, was the proposed system of Sewajee, though the constant warfare prevented a perseverance in any regular system. The payment at the same time, except in the neighbourhood of the forts, was required in money; and the proportion was two-fifths of the produce for Government, and three-fifths for the Ryot.

Interrogatary 72d.

Latterly a money payment was required by the Brahmin Government, according to the usage of former years, and additional assessments of salabad puttee or mamool puttee, zheastee puttee, &c. levied according to the ability of the village and the extortion of the renter.

Interrogatory 73d.

An Ooprce might be ousted, as indeed might a Meerassadar, if he refused to comply with the demands of Government; but in the former case it was seldom done, and in the latter, never. When a Ryot could not pay his rent and was much pressed, he ran away; and the agent of Government, who was generally the Potail, might do the best he could with the field evacuated.

Interrogatory 74th.

This is disputed on the average of a given number of years, but seems to me equitable; but some of the few villages which pay a small part in kind at a very high proportional price, have pertinaciously resisted this, and a few weeks ago threatened to quit their lands; I did not allow a threat of the kind to influence me, and they have not yet been able to prove how long or by what authority this nerrick, by which they claim their right of paying, has been established. If they can prove themselves entitled to such fixed rate, I shall, as a matter of course, remit the addional quantity; if not, I shall, after mature investigation, adhere to an average rate.

Interrogatory 75th.

I cannot say.

Interrogatory 76th.

The instalments were collected in four huftas, *viz.* Toossar, Khurreef, Rubbee, and Akhirsal, or in the respective months of October, January, March, and May; the same instalments are now paid, but owing to the too early collection of the toossar, the Ryot was obliged to get an advance and pay interest upon that until he could sell a part of the produce of his field; the payment is now required a little later, in order to prevent this inconvenience. The regular huftas are now completed by the end of June; the per-centage on all the four may be fairly estimated at 20, 25, 30, and 35 per cent. on the four huftas I have enumerated.

Interrogatory 77th.

This is unusual in this part of the country; no privilege of this kind is extended to any caste.

Interrogatory 78th.

Both plans were usual, but huwala, or assignment, was more favourable to the village Karbaries, more convenient to the Mamlutdar, and the improvident

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Mahratta Koonbee was relieved from the immediate tukkaza. I estimate the loss that may have occurred to the Ryot by the practice of soukaree for premium, interest, and batta, at from one to four per cent. per month. And here it may be proper to mention, as I have elsewhere stated, that we collect the whole revenue at two per cent. discount; for the late Government always charged two per cent. upon the ankoshee, to bring it up to the mulhar shyhee, or standard rupee of the country.

Interrogatary 79th.

The batta now admitted upon the chhapy mudhum, chhapy nurn chhapy, and pootka rupees, is an arbitrary valuation fixed on the coins of the Government by the money-changers, and in consequence of which we are obliged to adopt the following rate both for receipt and disbursement.

Khora mul khora and neyrmul chhapy rupees pass current. Mudhum chhapy pass at one pice discount and nurn chhapy at two pice discount per rupee. Pootka rupees are not received into the Government treasury. Previous to fixing and enforcing these rates, the Ryots experienced great inconvenience, and the public service was much obstructed; now there is no interruption of the kind, and if the Ryot gets paid for his produce at these rates he sustains no loss on this head.

Interrogatory 80th.

From one to two per cent. per month.

Interrogatory 81st.

Yes; there is a material difference, and when the loan is for grain, the interest comes exceedingly heavy on the Ryot. There is, however, considerable variation: for instance, if the grain be borrowed as seed, the quantity restored must be double: if for consumption, from one-fourth to one-half is required in payment, and the time of paying will be found by the following general usage: if borrowed about June, the payment is fixed either for the khurreef or rubbee crop; and for the former it would be usual to pay fifty, for the latter seventy-five per cent.

Interrogatory 82d.

The coins in circulation are ankoshye merick, kokeree, and mulhar shahee rupees. The mulhar shahee is collected in the Beejapore district, and may form four per cent. of the whole revenue; the merick kokeree is collected in some parts of the Walwa district, and may form one and a half per cent. of the whole revenue.

The ankoshye may form ninety-four and a half per cent. Of this last there are four kinds:

Khora, mulkhora, and good chapy. Rupees, on which no batta is charged, amount to forty per cent. on the whole ankoshye.

Mudhum chhapy, thirty-two per cent., on which there is a per-centage charged of Rupees 1. 2. 50.

Nurn chhapy, sixteen and a half per cent, Rupees 3. 0. 50.

Interrogatory 83d.

The relative value has been fixed as above-mentioned. I question whether it be a good plan generally, because it admits the right of money-changers to fix the value of the Government coin; however, by fixing the rates in the Rajah's country, I have found it extrememly beneficial.

Interrogatory 84th.

Without adverting to the difficulties, the remedy for this evil would be a uniform coinage and strict regulations respecting it.

Interrogatory 85th.

There is no profit: the payments are made in the same manner as the receipts are realized.

Interrogatory 86th.

The same coins.

Interrogatory

Interrogatory 87*th*.

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The Potail is obliged to give a receipt, specifying the coins in which he receives the money from the Ryot, and the Mamlutdar is obliged to give a like receipt to the Potail: the Government treasury gives a similar receipt to the Mamlutdar. The Soucar of the village carries the money to the Mamlutdar, where the mehaul Shroff examines it: the cash is deposited in bags sealed by the Mamlutdar's Shroff and Serishtadar. The money is despatched to the treasury at Sattara once a month; but as the district Shroffs could not attend to their duty in the mehauls and accompany the cash to Sattara, there is one general agent on the part of all the Shroffs, in whose presence the bags are opened, and who, on the part of his constituents, is responsible for bad rupees.

Interrogatory 88*th*.

The coins are always specified in the isral puttees.

Interrogatory 89*th*.

The Mucktadars frequently failed in paying their contracts to Government and to each other. The Circar put a tukazza on the Government contractor, and he in like manner deemed those who had taken under-contracts from him; this in regular gradation came upon the villagers. The whole generally ended in a compromise or agreement to pay at a future day: so it went on; when the Government desisted, the contractor was less severe.

The contractor was often a court favourite; he would offer more for the mamlut than it was worth, on purpose to please Bajee Rao, and with the hopes of making it up in some other way. The inferior contractors took all they could get from the Potails; when there was failure by death amongst the Ryots, if the Potail found it impossible to get remission from the contractor, he raised the amount by a puttee on the village; if that also could not be collected, he either paid the amount himself, got it from a Soucar, or endured the tukazza imprisonment, a torture of the Mucktadar by being seated in the sun, or obliged to sit with a stone on his head, &c. &c.

Deficiencies of revenue are now levied on whole villages, and on districts, agreeably to orders. Few cases of this sort, however, occur. When any considerable failure has happened, Government has hitherto allowed a remisson.

Interrogatory 90*th*.

Receipts are granted in regular gradation.

Interrogatory 91*st*.

Till lately there was no separate register of receipts, but a copy of every receipt is kept in the kera of the dufturs, in the hoozzoor and mehauls respectively; the Potail sends a monthly list of this to the Mamlutdar. A register in the hoozzoor duftur has lately been introduced. To introduce it into the mehauls would probably multiply forms without tending to regularity or despatch of business.

Interrogatory 92*d*.

Sometimes the sadiriwarred was included in the village jummabundy, but generally it was levied by separate assessment. The Potail and Koolkurnee paid of the village expenses, including huckdars, dewasthan wurshasun, khyrat sudha roz, mussalah, battah, &c. &c. *not forgetting untust*, which was always given, even to the contractor, for the purpose of bringing him to state the amount realized at less than had been paid, in hopes of imposing on a new Mamlutdar next year.

What was the amount under the former Government cannot be stated with any degree of certainty; exclusive of huck, the highest and lowest are estimated at eighteen and three-quarters, and six and a quarter per cent. The sadiriwarred is now included in the first instance, and subsequently deducted; the average of the expenses on this head in the account of fusly 1230 or 1820-21, are Rupees 63, thirty-six per cent.

Interrogatory 93*d*.

In villages where they are all bahoo bund Meerassadars, or relations of Potails, there is no googree, but there is musharree, or some ready-money assignments

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assginments allowed by Government. In most villages invariably there is enam land, and sometimes serpao and tushreif.

Interrogatory 94th.

There are different ways of collecting the googree, but the general rate is from four to six per beegah, sometimes one pahaley or four seers per maund of grain. The per-centage of a Potail cannot be stated: I believe the highest and lowest mushwee in the Rajah's country is 500, and ten rupees.

Interrogatory 95th.

The checks are established by allowing no extra puttee, and nothing can be legitimately collected from the Ryot which is not included in the puttah he gets from Government; very strict superintendence is exerted by the Government officers to prevent the village officers from exacting money in this way.

Interrogatory 96th.

No ancient institutions found have been abolished, I believe, except begar; the Potails of villages are less left to their own discretion, and consequently are circumscribed in their power, but the institution sustains no injury. It does not perhaps properly come within this interrogatory, but the practice of collecting small shares of the revenue of a village, which was the former usage, is not permitted now: the share in such case is collected by Government and paid to the various claimants.

Interrogatory 97th.

The Potail is the officer of the village; he is termed the Mocuddum, and is the chief of the body of relations, among whom the office and title of Potail is hereditary. The duty of the Mocuddum is to look after the cultivation generally, to arrange for the occupation of lands thrown up by Ooprees, to assist in distributing the village assessment and forming the ryotwar settlement, and to collect and forward all payments of revenue. He is the medium of all communication between the Collectors and Government, is head of the village police, and controls and arranges the village establishment. He has much power in his village, and can assemble punchayets, and may settle all village disputes by his influence or by arbitration, subject always to an appeal to the Mamlutdar and Government. If the Mocuddum is not capable of managing the affairs of his village, any one from among the body of relations would be selected, in which case he is termed Karbaree, or agent; but the maun paun (rank and privileges) belong to the Mocuddum, as the head or Wurreel Punnah.

The Koolkurnee is the village accountant, acting immediately under the direction of the Mocuddum; he keeps all the public accounts of the village, whether of land or of revenue, and assists with the Mocuddum in performing all the village duties. For a description of his accounts see the answer to Query 100th.

The Chowgulla is a Mahratta, and is an assistant to the Potail.

These officers held from Government enam lands as a remuneration for their services, the amount of which, although said to have been five beegahs per chaour, now appears to be formed upon no fixed principle, beyond the custom of each particular village. The enam lands are divided among the body of relations generally, among whom the office is hereditary. They receive mushara or a ready-money payment from Government, which is allowed for in the village expenses, and tushreif and sirpaws, honorary presents to the Mocuddum, of from five to twenty rupees, or a shela pugree when the jummabundy is fixed. The bahoo punnah, or body of relations, are by the practice of most villages excluded from sharing in the mushairn and tushreif, which is divided in the proportion of two-thirds to the Mocuddum and one-third to the Koolkurnee, and one-fourth of the Koolkurnee's share is in some villages given to the Chowgulla. The enam land, mushaira, surpao, and tushreif are all the rights and perquisites which these officers receive from Government. The perquisite received from the Ryots is called gorgee, or payments in kind, at the average rate of about five seers per beegah, and levied on every description of cultivated land, excepting what are termed the wuttundars or chakaree enams

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enams of the district, and village officers, and of the bullooty and allooty which are not liable to this fee. Googree is sometimes collected on the chaour, varying from four to six munns; but much depends on the established practice of the village. As before mentioned, sometimes Meerassadars are palnook, or exempted, and bahoo bund of the Potails are not liable to this tax. Googree is divided into three shares, two of which go to the Mocuddum and one to the Koolkurnee, of which the latter gives one-fourth of his share to the Chowgulla. In some villages the bahoo bund of these officers are entitled to their share of the googra, in others it goes entirely to the person actually performing the duties of office: this, like almost every thing else, depends upon the custom of the village.

These officers also enjoy other perquisites, the chief of which are:

Churmee Jora.—One pair of shoes presented annually by the Chambar to the Mocuddum and Koolkurnee: the Daismook and Daispandee receive the same.

Dussera Bukra.—A sheep allowed to the Mocudum from the sadirwarred or village expenses.

Teldar.—An allowance of nine tank (three pice weight) of oil from the Telee or oilman every day on which he works his oil-mill.

Sheoo.—Small quantities of vegetables levied by the Mocuddum from the venders in the village bazar.

Bhendra.—Oil and goor given by the Banyans of villages on the 12th, 13th, and 14th days of the new or bright half of the moon in Ashur, and divided among the bahoo punnah of the Potail, ostensibly for the purpose of giving to their cattle on the mul mikshutr, at which time a poojei in honour of the cattle is performed, called bhendoor poojei.

Wutwul.—A small tax of one or two pice, levied on trades, or travellers putting up for the night at a village, two-thirds of which belong to the Mocuddum, and one-third to the Ramossee, whose portion is called *phatjee*, being a reward for his duty in watching.

Patlee Passooree.—Pieces of cloth made by the Salee kooshtees (weavers), or money in lieu of them to the Mocuddum.

Sangurra Kruroon Goongree.—Kumlees or blankets given by the Sungurs (kumlee makers) annually to the Mocuddum and Koolkurnee.

Mandao Kundree.—An impost of twenty-four pice levied on the erection of a mandwa or shed on marriage ceremonies; half of which goes to the Ballooty, eight to the Mocuddum, and three to the Koolkurnee.

Paun Soparry.—A small allowance of the same made to the Mocuddums and Koolkurnees by the betel sellers.

There are probably other small perquisites not enumerated, and those that are mentioned are not in every village. They all appear to be founded on custom, and are voluntary contributions, which however form part of the maun paun of the Mocuddums and Koolkurnees. The rest of the establishment are the Baruh Bullooty and Baruk Allutary, of whom I shall here give a particular description, as I have not done so in any former reports. It is proper to premise that each of the trades or professions of which these are composed, though mentioned individually, consist perhaps of several families, all sharing in the rights and services of the Bullooty and Allooty.

The Baruk Bullooty are, 1st, the Sootar; 2d, Sohar; 3d, Chambar; 4th, Mhow; 5th, Maung; 6th, Koombar; 7th, Navee; 8th, Pureet; 9th, Gooroo; 10th, Joshee; 11th, Moolna; and 12th, Soonar.

1st. The Sootar or carpenter. His duty is too make and repair all woodwork of the implements of husbandry, free of expense to the cultivators, for which he holds enam land, and makes bullooty collections in kind; these are quite indefinite, depending on the custom of the village, which is extremely various. The collections are made twice on every crop, when the grain is cut and stacked, and again when it is threshed out. The carpenter likewise generally

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gets a small present of grain on finishing any job; and when employed on work not connected with the implements of husbandry he receives regular hire.

2d. The Lohar or blacksmith makes and repairs the ironwork, and is recompensed in the same manner as the carpenter.

3d. The Chambar or currier and shoemaker furnishes the villages with shoes on payment, but keeps them in repair, as well as the moths or leather bags used in drawing water, free of expense. He also supplies leather thongs for bullock whips, and acts as village mushal; for the performance of these duties he holds enam land, and collects bullooty dues.

4th. The Mhar, one of the most important and useful of all the village establishment. His duties are, to carry the baggage of his own villages and of travellers; all letters and papers are conveyed by him from village to village; he carries the money sent in payment of revenue, he frequently acts as watchman, he attends travellers and supplies their wants, he acts as guide, frequently as a second and spy. There are generally several families of them. Mhars guard the boundary of the village; in case of dispute they are referred to, and they are the best informed respecting the limits and land-marks. They attend the Potail and Koolkurnee when they travel; they are the messengers on most occasions. On marriage ceremonies Bheels, Gosseins, and Jungooras are employed, and on particular assemblages of the villages the Chowgulla is sent, but otherwise the Mhars are the envoys. Tidings of death are always carried by the Mhars. The Mhar is the grave-digger, and is entitled to the outer winding-sheet. They dig all the peevos or grain-pits, and are entitled to the damaged grain at the top and bottom. The Mhars hold enam land, and make collections in kind.

Their enam land is classed under three heads.

1. Mhowkee, given for the performance of Circar duty generally.
2. Hudaoled, for the removal and skinning of dead cattle.
3. Hurratee, for attendance on the Potails and Koolkurnee.

They are entitled to the carcases of all cattle found within their village boundary, and to the skins of cows and buffaloes; but they must give up the skin of a bullock to the cultivators to whom the animal belonged.

In large villages there is a Mhar Mehtur, or head of the Mhars, who regulates the distribution of the labour, and has the general management of their offices; he is selected by themselves, and entitled to one-ninth of the whole Mharmutum, whether of land, grain, perquisite or donation, the remaining eight-ninths are then distributed, of which also the Mhar Mehtur has his share,

5th. The Maung makes all the leather ropes: he converts the skins of cattle in ropes for the moth called *nana;* into thongs for strapping and securing the plough and its tackle, called *valee:* he makes the bullocks whips, called *assoor;* the thongs to tying loads of forage, called *wurnee.* He frequently performs the duty of watching, or nikhuwalee: he is by profession a thief, murderer, assassin and executioner. He beats the hulgee and dam, or large and small tambarine in front of the village temple. The Maungs are a hardy strong-built race of men, but neither so active as the Ramoossees, nor so intelligent as the Mhars. The Maungs are paid in the same way as the rest of the Bullooty.

6th. The Kombhar is potter and tilemaker, and also the maker of the small well-known *potters,* in which is the resemblance of Gunnesh. He furnishes waterpots to travellers and Government servants gratis.

7. The Navee or barber. Besides the exercise of his immediate profession, the Navee is liable to the performance of begar of Brahmins; and when the Potail leaves his village, the barber must attend to wash his clothes, tend his goorgooree (hubble bubble) and perform chuppee or shampooing him after the fatigues of the day. He attends as an escort to the daughters of the Daismooks and Potails when they leave their paternal residence for that of their husbands. He carries the image of Gunputtee on the festival of Gunnesh Chitoortee, an honour most obstinately disputed with him by the Koombhar. The Navee is not the village marshal; but the hired marshal of towns is generally of the Navee caste.

8. The

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8. The Pureet or washerman has besides his bullootary rights, a perquisite of a portion of cooked food on bringing home the washed clothes of the villagers, and when new clothes are washed he receives a trifling money present for mussala. It is the washerman's duty to attend and spread the floor cloths on all great occasions of ceremony, for which purpose he applies the passowras (large wrapping cloths worn by Mahrattas as a shawl, or round the waist) of such villagers as may be in his charge at the time. During bridal processions, he attends to fan the bride and bridegroom, which he does with a piece of cloth.

9. The Gooroo is a person of the Shooder caste, whose particular duty is to attend, wash, and adorn the idols in the temple, and to prepare the patrowlee on occasions of feasting. He is liable to perform the bigars of Brahmins, and to attend the Koolkurnee when he leaves the village on Government duty, in the same manner as the Navee attends the Potail. The trumpeters in the Mahratta armies are of the Gooroo caste.

10. The Joshee is a Brahmin astrologer; he calculates nativities, points out the auspicious time for commencing agricultural operations, for marriages, &c.; he performs the marriage ceremony; he superintends praschects (or atonements necessary for re-admission into caste); he likewise assists in the shradh (or performance of solemnities in honour of deceased relations), and he must keep a punchung or almanack for general reference.

11. The Moolana, so called by the Mahrattas, is the Moolla or Mahomedan priest, and it is very strange how he is found engrafted on the Bullooty establishment of a Hindoo village. If on the Allooty, which some say he ought to be, it would have been less unaccountable, especially if we admit, as is frequently done, that the institution of the Allooty must have been at a period long after that of the Bullooty; but this seems little more than mere conjecture. The Moolana has charge of the mosques and peer's places, and manages the affairs of enam lands attached to them. He performs the ceremony at Mahomedan marriages, and ought to be competent to all the duties of a Moolla; but he is very often found where there is no Mahomedan family but his own, and is chiefly known to the Mahratta population as a person who kills their sheep and goats, when offered as sacrifices at temples or in their fields, to propitiate the deities presiding over the stulls or great divisions of the village lands. The Moolana likewise kills the sheep for the katik, who, although frequently mistaken for the butcher is, in fact, the person who claims and exposes the meat for sale. The Moolana is entitled to the heart, and two pice, of every animal he kills for the katik. Some of the Mahrattas are unmindful of the ceremony, but in general they profess not to eat the flesh unless the Neyt has been pronounced by the Moolana or some Mussulman capable of repeating what renders the flesh of any animal hullah. This extraordinary adoption of Mahomedan observance puzzles the Hindoos to account for. The Moolana has the same kind of allowances as the other Bullooties.

12. The Sonar, or goldsmith, is the assayer of coins, as well as the maker of gold and sliver ornaments of the richer inhabitants; he seldom holds land, and has therefore been classed by many under the head of Allooty.

The twelve Allooties are:

1. The Jungom is the gooroo or priest of the Lingaits. In Punderpore, where some of the Ryots are Lingaits, and in Beejapore, where all of them are of that caste, the Jungum holds enam lands; but in the country strictly Mahratta he only receives his Allooty payments in kind, and is employed to bestow the sunkh (conch shell) at temples.

2. The Kolee, or water-carrier. He is bound to supply travellers and the public servants of Government coming on duty to the village with water: he supplies the cultivators with water in preparing their kullas or places for treading out and cleaning the grain, and he is also obliged to furnish water on occasions of feasting and entertaintment.

3. The Bhat, or Thakoor, is the village bard. He attends with the Gooroo and Jungum when dhoolatee is performed, and recites the kaveit or banee, (extemporary compositions in the Hindoostanee language), in honour of the Deity.

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Deity. When sohuruk or betrothment is about to take place, the Bhats are sent by the parents of the boy and girl to see that they are both free of every natural defect. The Bhat generally receives every Allooty payment in kind.

4. The Ramoossee is the rukwala, or watchman, of his village, he generally has both lands and payments in kind. He watches the village, protects travellers when particularly under his charge, and often robs them when they are not; they say that they hold these hucks, but that thieving is their proper wuttun.

5. The Malee, or gardener. His duty is to raise flowers for adorning the temple, and he is the bearer of fruit, when sent by the Potail, to be presented to the Circar. His payments are in kind; he seldom holds enam land.

6. The Tural, or Yeskur, is a Mhar; but the Allooty lands and rights which constitute the Tural's wuttun is a separate allowance, and distinct from the bullooties of the Mhar. The Mhars on the village establishment each enjoy the Tural's emoluments for one year in rotation, and besides the Allooty allowances, the village supplies him annually with a pair of shoes and a kumblee. The Tural is to remain in the village, and never to quit its boundary: he is at the constant call of the Potail, but his particular duty is to take care of travellers after their entering the villages, of which, if walled, the Tural amongst his other duties is the porter. The stranger on arriving calls for the Tural, from him he learns all he may be desirous of knowing respecting the persons he may have come to visit. Sometimes the Tural is employed to deny the Potail to unwelcome visitors: he furnishes all necessary supplies to travellers, and is often extremely useful to them: his duties are very numerous.

7. The Gonedullee or beater of the tambhut, a double kettle-drum.

8. The Dewnee Gossein beats the dour, a small tambourine.

9. The Gursee, or piper. These people are said to be descendants of the aborigines of Dhund, Khurinja, the forest or country between the source of the Bheema and Cavery.

10. The Sempee or tailor.

11. The Tilee or oil seller.

12. The Tambowlee or paun seller.

The six last are all paid in kind. The Dhor and Kulwateen are sometimes given in the list of allooty, as is the Naikwaree, properly a district officer. Although the above is given on the best information I can obtain, there is difference of opinion. There are few villages in which more than the most useful part of the Bullooty and Allooty are to be found, and probably none in which both these establishments are complete.

With regard to the enam lands of village officers and village establishments, as well as their fees and perquisites, there is now no rule, except the established custom of the village.

Interrogatory 98th.

Phuskee, or a small share of vegetables or grain, is yet taken in such kusbas, as it has been long an authorized custom. Mosharee, turreef, and khagur baha, are regular privileged allowances given by Government when they exist at all.

There is a custom in some parts of this country to the eastward, called wutroul; when a few people encamp for the night under the protection of the Potail, they give him four pice: this is wutwul or protection money and still exists.

Interrogatory 99th.

The two accompanying papers give a detailed account of the lands and hucks of district and village officers and establishment in the village of Pal, (No. 4); and No. 5 is a statement of the value of the enam lands, hucks, fees, and perquisites, of all kinds, in four villages

Interrogatory

Interrogatory 100*th*.

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The Koolkurnees' accounts consist of—

1. The zumeen jhara or register of lands, which ought to specify the names, quality, and contents of every field in the village, shewing whether it is alienated or not, and its particular classification, *viz.* 1st, 2d, and 3d sorts of soil, whether garden land or dry cultivation. Such an account, according to the present statement of what is given in as the amount of cultivation, is forthcoming in most villages; but it is in general very incomplete and unworthy of credit. Old zumeen jharas are either lost or concealed, under pretence of having been lost or burnt when the villages were plundered, &c. In the Joolee district there is no record of lands. The zumeen jhara ought to be the ground-work for fixing the assessment, but from the incomplete state or falsity of such accounts they are little to be relied on.

2d. The lownee putruck, or abstract of the foolarig, is a general statement of all kinds of land as held by every individual, with the amount of the revenue paid by each. In many villages the sirdaismookhee (ten per cent.), sahootra (six per cent.), and carcoonee, a part of the expenses of collection (five per cent.), &c. &c., were laid on over and above the rent of the fields; in other villages these puttees were first shewn in the total. In the lownee putruk all such particulars are now specified, as well as the shares of sadirwarred, which, like the above, may either be included in the rent of fields, or laid on by a per-centage above it; this account also shews the portion of swaee jumma paid by each individual. It is, in fact, a general statement, shewing the land and every item of revenue appertaining to each cultivator. The lownee putruck of the past year is the account most useful in forming the assessment on the village for the present, it being only subject to alteration by additional cultivation, exchanges of fields among the Ryots, or frauds and embezzlements of land brought to light. Neither the zumeen jhara nor lownee putruk can be relied on, until we can measure and appraise the lands.

3d. Beej permeachee puttee is a monthly account kept by the Koolkurnees, and forwarded to the Mamlutdars, shewing the quantity of land sown in each village for the khureef and rubbee crops, and specifying the amount of land revenue on each. As yet the Koolkurnees have not been brought to pay proper attention to this account.

4th. The koolgunnee, or awuzza, is the account of each cultivator's land and its revenue, sadirwarred, swaee, jumma, &c. It is made out previous to the lownee putruck: it contains the same information in greater detail, and is a separate account with each individual, instead of a general statement including every cultivator in the village. The ryotwar settlement is formed with reference to the koolgunnee of each Ryot, and the kubool kutba and ryotwar puttee are copies of it, in essentials, differing only in the form.

5th. Mohturfachee koolwar, an account of all the mechanics and tradespeople of the village, with the shares of mohturfa or professional taxes levied on each.

6th. Istawachee puttee, an account of all the istawa cowls, with the terms of each.

7th. Tuhsalee yad, a daily account of all payments of revenue by cultivators, in which the date of payment and name of the person is entered.

8th. Bhot khull, or khuttaonee, is an account current kept with each Ryot, shewing at all times the amount of revenue paid, and outstanding balance due by each.

9th. Puttee wusoolee, accounts forwarded from the villages, with all monies sent to the Mamlutdar's cutcherry in payment of revenue, specifying all particulars of the remittance.

10. The Thurtee talebund, and sursal jumma khurch, are to shew the revenue under each separate head, with the charges upon it, and exhibiting all payments and receipts of the village, with outstanding balances.

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Interrogatory 101*st*.

The ground-work of an assessment must be a correct zumeen jhara; if that is not complete, it cannot be said that these accounts can enable Government to ascertain with accuracy what ought to be the revenue of a village, because they ought to be formed on the zumeen jhara. The accounts as they are formed on the investigations made the first year, and by constant corrections for three years, as experience has enabled us to detect frauds and concealment, are perhaps nearly as correct as we shall get them, until the survey is made. They form a tolerable good estimate for the assessment now adjusted, and certainly enable a Collector to decide on complaints of extra exactions, because the kool gunnee specifies every item of revenue to be levied from each individual, and for which he has granted his kubool kutba, or paper of assent and agreement.

Interrogatory 102*d*.

If it were so, the rules to define it would be the quantity of Government land in cultivation, with its classification and rent fixed, from a local knowledge of soils and quantity of produce.

Interrogatory 103*d*.

A survey gives the grand outline on which to form an assessment. The classification and fixed rent forms the light and shade, to throw in which requires much skill and judgment, and is a subject on which those who have reflected most will be very diffident, and willing to acknowledge the difficulty. A rent should at all events be fixed sufficiently high to admit of a reduction by a per-centage, if circumstances rendered it necessary; but never so low as to require it to be raised, which would do away with all confidence between the Ryot and the Circar. A good survey would at all events give an excellent kumal rental, and place the Government completely independent of all information from Daismooks and Daispandees, as well as of old records and zumeen jharas now concealed.

Interrogatory 104*th*.

The duties of the village officers and establishment are the same as under former Governments, with less power in some cases of abusing their authority. The Koolkurnee's duty is more onerous, as more particular accounts are required from him, and he has to make out all the kubool kutras. The Potails are relieved from much trouble, by the revenue in all its different babs being collected by one hand, instead of, as formerly, having to settle with the different Mamlutdars of the various babs, and their agents; but although they then had more vexation, they had a better opportunity of peculation, as the village accounts were inspected in detail, and that when they were enabled to help themselves or assist their village, it was only by overrating the village expenses.

The greatest relief to the village officers and establishment, as well as the village generally, is the abolition of all kinds of beegah for Government or individuals.

Interrogatory 105*th*.

There were four Sirsoobadars in the better days of the former Government, *viz.* in the Carnatic, Concan, Candeish, and Guzerat. Their duty was to superintend and controul the conduct of the Mamlutdars in the collection of revenue, the administration of justice, and the regulation of the police. In Bajee Rao's time there was only three: their defined duties remained the same, but the state of the distant districts proves that their superintendence was merely nominal.

The duty of the Mamlutdars was much the same as that of our Mamlutdars at present, excepting that they had greater power; they could fine, flog, torture, and imprison; sometimes they took the power of punishing capitally; they were authorized to fine as far as one hundred rupees. Their duties as contractors continued nominally the same as when they were agents of Government; but with the purchase of the revenue for the year, they acquired advantages by the sale of absolution for crimes, and this gave rise to the new office of Tuppusnuveese.

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Interrogatory 106*th.*

They were paid by Government, but both Sirsoobadars and Mamlutdars had unauthorized emoluments; the Sirsoobadars principally in the adjustment of punchayets, and the Mamlutdars in the collection of the revenue. The Government used to overlook this general delinquency when the bribery or embezzlement was inconsiderable; but if the amount had enriched any individual, and the facts became known, he was heavily mulcted by Government.

Interrogatory 107*th.*

The origin of the Daismooks and Daispandees is unknown; it was probably an Hindoo institution, which underwent different degrees of change under the various Mahomedan Governments. The Moguls seem to have been as ignorant of the real nature of these offices as the British Government was at the period of the introduction of the Zemindarry system. Under the Patan states of the Deccan, the Daismooks and Daispandees were permitted, as at present, to collect their own hucks, the amount of which are extremely variable, but the payment is received in whatever manner the Government realizes its revenue. When the Government collections are in money, the huck is paid to them in money, and if in grain, it is paid by each village in a similar way. Sewajee had little leisure for superintending regular arrangement himself; but wherever his umul was completely established, the Daismooks and Daispandees were not permitted to make their own collections; their hucks were collected and paid by the Circar. The confusion which followed upon Sejawee's death unhinged many of his regulations, and from that time to this the Daismooks and Daispandees have enjoyed their ancient right of recovering their own hucks. The Government was occasionally in the habit of levying ten per cent. upon their collections, which went by the name of huck mushairee.

On the average, the Daismooks' wuttun rights are estimated at one-twentieth of the Government land, and one-twentieth, or five per cent. on the revenue, the Daispandees at half that sum.

Interrogatory 108*th.*

Their offices were hereditary.

Interrogatory 109*th.*

During the Adil shahee dynasty, the Daismooks and Daispandees collected the revenue under the Jagheerdar or Mokassadar of their district. They acted in every way as efficient agents, and very frequently farmed the revenue of their districts until the time of the rise of Sewajee. From that period their agency was seldom resorted to, and although their names and signatures are now occasionally required in cases of alienation, sale, or transfer, and occasionally arbitrations submitted to them by the wish of parties, they are not called upon as the agents of revenue and police management.

Interrogatory 110*th.*

The duties of Daismooks and Daispandees were more of a civil than a military nature. Most of the Daismooks became military followers of the Prince, but that was by quite a distinct tenure.

Interrogatories 111*th,* 112*th, and* 113*th.*

Their influence depends upon their power, and their power upon a greater or less knowledge of embezzlements in their districts: their influence will therefore prove disadvantageous, especially while their right of making their own collection is admitted.

I have sometimes obtained very useful information from the Daismooks and Daispandees on general subjects, but the only discoveries of frauds have come from some of their dissatisfied relations. At first I very often consulted them, but of late, from finding that they were not to be depended upon, I have very seldom done so. For the last six months I have not permitted the Mamlutdars to have recourse to them, without express leave fromthe huzzoor.

Interrogatory 114*th.*

The influence of heads of trade and the various classes of artisans remains the same as before, that of gooroos may be something less; but I do not think that this has caused any change in the morals of the people.

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Interrogatory 115*th.*

There are no hill chiefs in this district; the Ramoossees, as their real name Ramoossee implies, were formerly "dwellers in the waste;" but when the country became more civilized they were gradually incorporated on the village establishment, and in times of peace they remain tolerably quiet; but whenever the country becomes unsettled, they, being as the villagers say "but half tame," betake themselves to robbery and plunder. Sewajee had a set of them to each of his forts in this part of the country, and they had lands assigned for their support: the head of them was termed Naick, and in these particular situations, that appellation with an additional quantity of land has descended from father to son. But the majority of the Ramoossee Naicks have no further title to that distinction than the suffrages of their comrades. When a set of men, at first on an equality, assemble repeatedly on enterprizes of danger, they soon yield obedience to that one who has the head to plan, and the hand to execute. The title of Naick is thus acquired, except when the Ramoossees belong to the berud rukh wallee of a fortress.

The Shetsundy Naicks are hereditary, they hold the command of the Shetsundy in their turruf, and have an additional assignment of land in proportion to their rank.

The Ghurkurrees form a complete establishment for the garrison of a fort upon Sewajee's plan they have a havildar, or commandant of the garrison, one or more Surnobuts, several Naicks and Sur-Naicks, with a body of private men, all Mahrattas. The Berud, however, and Mutkuree (or Mhows attached to a fort) are all included amongst the ghurkurree establishment.

Interrogatory 116*th.*

During the former Government, even in its best days, tuccava was seldom given. When a district had been run waste, the Government would sometimes exert iself to restore cultivation. On these occasions tuccava was advanced upon security, and received during a period of from one to five years without interest, according to the direct advantage supposed to accrue to Government.

Interrogatory 117*th.*

Wherever additional lands can be brought into cultivation in this country, by increasing the capital of the husbandman without immediate loss to the state, it must prove advantageous both to the subject and the Government. The plan in the Rajah's country has been to recover the advance in one or two seasons; but to be essentially useful it should be gradually recovered by instalments in three or four years. Interest should not be charged the first year, and for the succeeding years only three-quarters per cent. simple interest.

Interrogatory 118*th.*

The number is so extremely small of those that have received tuccava, that in the proportion stated I cannot make the calculation. According to the most I have advanced, the average would be about forty rupees to every five villages; this, from the insignificance of many of the villages, affords no average; but on the whole revenue it has never amounted to one per cent.

Interrogatory 119*th.*

The efficiency of our controul is so much greater, so much more protection afforded to the weak against the strong, that the superiority of our rule over that of the Native Government is unquestionable.

Interrogatories 120*th,* 121*st, and* 122*d.*

My endeavour in this territory has been merely to amend. The whole plan engrafted on the Native system and forwarded to you with my report (No. 6.) will show, that institutions of use are unimpaired; and what has been introduced is done with the view of making these institutions more efficient in practice, without offending the prejudices or opinions of the country. Where any established usage of former times is not forbidden it is tolerated when not carried to excess; for instance, tukkaza, without reference to Government, when it is not made an instrument of oppression, is allowed; but when it becomes the subject of complaint, redress on the one part or the other is afforded. Distraint has

has never yet been resorted to; no man has been confined for debt, and personal coercion is on no account permitted.

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MOHTURFA.

Interrogatories 1st to 5th.

There are two classes of mohturfa; the one of towns, the other of villages. 1st. of towns or pates. This mohturfa consists of Banians, to whom are attached the Shuitee Mahajun, the Khasser khoom, the Telee, Tambawtee malee, Katic, Moneyee; simple weavers (of three sorts, Kashtic, Salee, and Monrin), Jingurs, Pinjaree, or cotton-cleaners; Ataree, or perfumers; Sonars, or goldsmiths; and Gaolee, or milk-sellers.

When trades are numerous in any place, they have a head man, or Mehtree, who collects the assessment. Over the whole there was sometimes, though rarely, a Chowdry appointed by Government. The Mehtree manages the affairs of the people of the trade to which he belongs, in every way, not only in the payment of their taxes, but frequently in observing the due fulfilment of their moral and religious duties. The Mehtree, or head of the trade, is generally himself exempted from the payment of the mohturfa. This tax in this district is levied entirely by custom; it is not paid with reference to the income, but according to what was fixed at the time of first becoming a member of the trade.

In towns the Shuitee Mahajun are directed by the Mamlutdar to assemble the Mehtrees, and the whole of the trades and artizans. The assessment is fixed with reference to former years. When a family has become extinct, or where a tradesman has left the place and there is no one to fill his place, the amount paid by such person is remitted. On the other hand, when any new settlers come, there is a cess put upon them, either the first year, or more commonly according to the principle of istawa, the full amount collected after four or five years. The Potails regulate the payment in the same manner where there are no Shuitee Mahajun. The mohturfa tax is extremely light, and it has always been considered impolitic to increase it.

It is collected in two instalments, one at the dussera in October, and the other about magtmas in February.

At Punderpore there is one Metree of the four khooms of Kassar, Tamboolie, Telee, and Bogwan, who regulates the assessment for the whole.

Interrogatory 6th.

The profit of respectable Sahookars is now confined to a very narrow source, the trade is inconsiderable, and the demands for bills of exchange trifling. Interest on advances forms a part of their present profits, but they have no means of employing their capital, and complain exceedingly of the loss they sustain by the change of Government.

Their former great source of profit was by advancing cash to the Revenue Contractors for the collection of villages, the right of which they obtained by cash order or weerat on any of the four instalments. Their profit in this way was not derived by the usual means of discount on bills; they had good information of the capability of each village, and made their bargain by crediting the Mamlutdar for so much cash in their books, which he could draw or transfer at his pleasure. Though no previous acceptace on the part of the Potail was necessary, yet before paying the amount to the Mamlutdar, the Sahookar had commonly contrived to obtain both acceptance and security in the following manner.

The weerat was presented and the annual amount demanded; the village officers represented their inability to pay, and entered into a bond promising the amount by a certain day, together with a premium of two per cent., and interest from one quarter to four per cent. per month.

Interrogatory 7th.

The highest tax paid by a Sahookar within the Rajah's territory is twenty-four rupees, and the lowest one rupee.

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Interrogatories 8th to 13th.

Interrogatory 8.	Cloth sellers	....	from 1 to 10 rupees.
.... 9.	Grain seller	....	from 1 to 4 rupees.
.... 10.		....	from 1 to 5 rupees.
.... 11.		....	from 1 to 3 rupees.
.... 12.		....	from ½ to 1 rupee.
.... 13.	see reply to interrogatory 1st.		

The defects appear to be, that some persons, now poor, pay more than others who, formerly poor, are now comparatively wealthy; of this, however, no man complains, a smaller payment would injure his respectability. If the plan of fixing the tax according to the income be an advisable innovation, which I very much doubt in a country of such insignificant commercial resource, the mode of defining the amount as practised in our old provinces under the presidency of Madras appears to be eligible.

MISCELLANEOUS.

Interrogatory 1st.

Domestic slavery in this country is considerable. Males purchased when boys, or born of a slave girl, are frequently left to provide for themselves after they have married, as they then become a greater burden than assistance. A slave girl or Loundie having once come into that situation cannot be emancipated. Almost every respectable Brahmin has one or more slave girls as servants of his household; and a Mahratta is not respectable without them. They are in general treated with kindness.

Slaves are bought and sold by private bargain, subject to a tax of twelve and a half per cent. They are procured in various ways. The import trade at present, as there is no influx of strangers from neighbouring provinces, on account of famine, is said to be carried on by kidnapping. This may be remedied without outraging the feelings of the country on the delicate subject of domestic slavery in general, by making every one give a strict account of how he came by the child previous to allowing the purchase. Mahratta women become Loundies by adulterous intercourse with men of inferior caste. The children of Loundies by a Brahmin are termed Sindeeas, and become legitimate Mahrattas by intermarriage in the third generation, and call themselves Mahrattas from the first.

The children of a Mahratta by a Loundee take the arnas or surname of their fathers; but it likewise requires three generations to restore the purity of the caste.

In regard to nuzzurs, I beg to refer to the enclosure (No. 2) of my report (No. 6). The plan there laid down is founded on the ancient practice, modified by fixing what was considered the lowest average, and making the rules fixed and specific, which were before arbitrary.

COTTON.

Interrogatory 1st and 2d.

There is some cotton in Punderpore, Beejapore, and Malwa; but the quantity raised is inconsiderable, and although the demand is small, the growth is insufficient for internal consumption: the import is from Candeish and Berar, but is trifling.

Interrogatory 3d.

From seventy to ninety rupees.

Interrogatory 4th.

Sown from the middle of June to the end of August, and plucked from the middle of April to the middle of May.

Interrogatory 5th.

There is a good deal of soil capable of producing cotton, but the soil generally is not favourable to its culture.

Interrogatory

Interrogatory 6th.

The rent is from six to twelve rupees per beega.

Interrogatory 7th and 8th.

Cotton exhausts the soil and is not so profitable a crop as tobacco, but I have not ascertained the exact expense of its cultivation.

The cotton that is raised is of inferior quality, and in order to improve this I endeavoured to procure Bourbon cotton seed last year, but could not get a sufficient quantity for transmission to the districts. I distributed some here, and in the neighbourhood of Satara; it has succeeded remarkably well in the garden grounds. I purpose sending a quantity of the same kind to Punderpore, Malwa, and Beejapore during the ensuing season.

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ABKAREE *or* UMLEE JINS.

Interrogatory 1st.

The articles from which this revenue is derived, are spirits distilled from babool and goor. Date trees (in Beejapore), opium, ganja, bhaug, pendee, or spirits distilled from grain, and khus. The amount of the whole is Rupees 8,213.

Interrogatory 2d.

It is rented out.

Interrogatory 3d.

For whole divisions spirits are only sold in six of the divisions of the Sattara territory.

Interrogatory 4th.

The shops and stills are unlimited.

Interrogatory 5th.

The prices are not to be less than those usual in the place where the lease is granted.

Interrogatories 6th and *7th.*

The sale of spirits was not permitted by the former Government, except in the tepkana at Poona, where it was under regulation. Spirits were manufactured clandestinely; the other articles of umlee jins were sold without restriction, they are now rented, and such are the changes which have taken place since the conquest.

Interrogatory 8th.

No.

Interrogatories 9th, 10th, and *11th.*

The answers to these three interrogatories will be found in the foregoing.

CUSTOMS.

With respect to the mode of levying customs, I beg to refer to my letter of 23d January 1820, with its enclosures, and I now send a statement, such as the dufter servants have been able to procure of the whole of the customs for the fusly year 1229.

(Signed) JAMES GRANT,
Political Agent, Sattara.

JAMES GRANT, Esq. *to the* COMMISSIONER *in the* DECCAN.

Dated the 14th February 1822.

Sir:

I HAVE now the honour to acknowledge the receipt of your letter of the 5th ultimo, and to forward replies to the supplemental queries (Nos. 1 and 2) to your circular interrogatories of November 1821. The lists made out by Mr. Morris for the districts which we have visited this year, will serve to shew you the manner in which the Mamlutdars are obliged to perform their judicial business, and that the rules laid down are successfully persevered in.

Mr. J. Grant's Replies to Queries, 14 Feb. 1822.

I have, &c.

(Signed) JAMES GRANT,
Resident.

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REPLIES *to the* SUPPLEMENTAL QUERIES.

1st. My replies to the circular interrogatories, and the detailed regulations instituted by the Rajah's government in every department, contain a statement of my opinions, or, an account of prevailing ussages on most of the points now referred to the Collectors; but in order to meet your wishes, I shall willingly afford the direct replies required, or supply a reference, although I apprehend I am not capable of furnishing much additional information.

2d. The system of village government is certainly much invigorated, the police is improved, the payments are regular, and no just right, power or privilege are withdrawn from the village Magistrates; but the power of the Potails is nevertheless greatly diminished, and the cause of this is connected with the second part of the interrogatory. The Mahratta practice in regard to revenue during the very best terms of their Government, cannot bear comparison in point of excellence with our own; and as the best proof of this, with the exception of a few villages about Pargaom, and in Meertheeree, where there are local complaints from particular causes, the merits of which the survey will fully ascertain, I am persuaded that the body of the people, notwithstanding some prejudices which they must have, are highly sensible of their ameliorated condition.

The ryotwar settlement, or something very near to our present mode, was not unknown, but the Mahratta system generally was precisely similar to that which was adopted in Sattara during the first year, except that the Potails could levy puttee's for gaum khurch in addition to the established usage, and that the Mamlutdars were not particular either in asking the Ryots if they were sasisfied with the Potail's assessment, or in attending to complaints for minor exactions. The necessities of the state frequently obliged Mamlutdars to deviate from the system: the practice was thus frequently worse than the principle recognized, and much of what was bad during the time of Nana Furnaveese being carried to worse under Bajee Rao, produced a comparison which has made the former person much more eminent than he appears to have deserved.

From the Mahratta system of mouzawar and the irregularities explained, even when the Government tried to prevent oppression, the Potail had great opportunities of profiting by exactions, and thus, in addition to his authority as Chief Police Magistrate and Revenue officer, he acquired the influence of private fortune, and the power of pressing or exacting money from the villagers, seconded by the authority of Government.

When a regular instalment was demanded, it would, except in the early part of the season, have generally been in the power of Potails to levy it; but when this was not the case, he had recourse to Soucars. This was attended with all the expenses of premium, interest, and alternate tuccava, which of course fell upon the Ryot; the loss to him was the profit of the Circar, in which last the village officers managed to participate. I need not trouble you by attempting an enumeration of the heads under which puttees were levied, you know them to have been many and various.

When the revenue farming was introduced the Potail's profits could only be ensured by heavier exaction on the Ryot, and still less regard was paid to his complaint when carried to an authority participating in its cause.

The Potail now cannot levy one rea in addition to what is stated in the Ryot's putta; in it, the proportion of the acknowledged assessment customary for sadirwarred is set forth. The sadirwarred puttee salabad is frequently greater than the gaum khurch, but the village officers, superintended by the Shaikdar, continue to manage the amount which was really expended.

The Potail can neither levy exactions on the Ryots, nor defraud the Government by granting enams, dhurmadow, wurshasun, and meeras, nor is he permitted to charge the village for his travelling expenses; but when the Government affairs require him to proceed beyond the range of the Mamlutdar's charge under which he resides, the following are the allowances which the Rajah's Government has fixed for him. When he is a Silladar, and goes mounted, he receives six annas daily (or one quarter and fifty reas); when accompanied

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accompanied by one servant, he is entitled to four annas; and when he is of that class who travel unattended, he is allowed only two annas. These allowances are of course calculated with reference to the size of the village and respectability of the Potail.

The power of the Potail therefore in regard to all matters connected with revenue is greatly circumscribed by our introduction of the ryotwar settlement, and I need enter into no further detail to explain the propriety of the innovation which it has occasioned, than by adding, it has stopped many of the Potail's unjust emoluments, and ended his tyranny; it has ruined the destructive system of Soucars, and has lightened the burden of a deserving peasantry.

The Potail likewise finds some advantage in the change of Government; he neither dreads oppression nor endures torture; he never has balances to make up which all his powers of exactions could not enforce, and which no Soucar could be found to compromise; he never is driven by any act of Government to sell his enam lands, and go into voluntary exile (paragundar) for ever.

The reply to Interrogatory 97th affords detailed information respecting the emoluments of village officers.

3d. There are Meerassadars in some parts of this territory who have persons cultivating their land, and they derive a profit; but in general, except to the person cultivating, meeras is too highly assessed to admit of it. Koonbana lands, however, held on village cowls, are in some instances sub-rented in the same manner. The real value of meeras is supposed to be increased, but its nominal value seems to be less, which may partly proceed from its having been considered a sort of security in the Mahratta service. It is less a property of transfer than it was; the cultivators are not disposed to sell their proprietary right of occupancy; the people are more settled, there is neither military service to induce them, nor oppression to drive them from home; persons not cultivators have at present no desire to become Meerassees; and there are such favourable cowls for Ooprees, that even if meeras lands were offered for sale, and they had capital to purchase, they probably would not do so until we survey and assess the lands. Many persons serving in distant parts of the country used to transmit money for the purchase of a meeras field in their native village, or to enable their parents or relations to make good the heavy assessments, which, if unpaid, might have driven them from home, and forfeited their meeras privileges. It was a creditable thing to be possessed of meeras: it was a wuttun field, and the respectability attaching to a Wuttundar, often prized more than life, is the grand inducement to become the owner of his tenure.

4th. There has no reduction taken place in the established village expenses, the constant extra drains on the Ryots by the Potail, under some pretence or other, in all which he had a profit, have been stopped. The sadirwarred is not levied in any uniform manner, it is sometimes deducted from the aien jumma, and sometimes levied additional; in the former case it is brought to the debit of Government, as sadirwarred expenditure, and is exactly the amount usually expended; in the latter, it is the *sadirwarred assessment* frequently exceeding the established village expense, and the balance is a part of the acknowledged revenue of Government.

In both instances, although we may not be able to ascertain the original cause, the deduction or addition, according to established usage, is at present in all such cases the only safe way of acting both for the state and the subject.

It has been suggested that the amusements of the villages are circumscribed by our interference, but I have always told the Potails and Ryots, that neither feasts nor fasts, their amusements or their ceremonies should be interfered with; on the contrary, that whatever allowance the former Government permitted should be as freely granted by the present: but I have likewise always warned the village officers, that although voluntary contributions on such occasions are authorized, that no Ryot who does not of his own free will join in the expense can be compelled, or abused and ridiculed for not doing so.

5th. These distinctions, when all is held by Government have been consolidated; where individuals have claims to such shares, I have in this territory, either

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either kept it muckta (fixed payment) or fluctuating according to the assessment, exactly as I found it; excepting that where the larger share of the village belongs to Government, I have, as directed, collected and paid the claimant from the treasury.

6th. The Rajah's revenue regulations and the replies to the interrogatories will partly answer this query. I have increased the size of the districts and the salaries; what was formerly divided into fourteen, now forms ten Mamlutdars. The pay of the Mamlutdars is about one per cent. on the whole net revenue. Each Mamlutdar, however, is not paid precisely in proportion to the amount of the collections; the highest pay of a Mamlutdar is 170 rupees, and the lowest 100. Complaints of delay about punchayets, and not hearing furreads, are more frequent than respecting exactions or tyranny; but on the whole the former are not common, and the latter are rare.

I have dismissed fourteen Mamlutdars for the following reasons; one for false returns and embezzlement, one for receiving bribes and embezzlement, three for receiving bribes, one for disobedience, tyranny, and suspicion of bribery, one removed on suspicion to a new district and discharged at his own request, two for incapacity, one for allowing extra sadirwarred putteesin which he shared, one for bribery and connivance at neglect in police duties, two for neglect in police duties, one for neglect, disobedience, and applying public money to forward his private interests.

All the Mamlutdars, I think, are less respectful to the Silladar and gentry of the country than they were. This is almost unavoidable in many instances on their part, and naturally arises from the state of things; the persons whom we must distinguish as gentry, in all dealings with a Mamlutdar who does not connive at their abuses, are at variance with him, and the Mamlutdar, secure from the effects of their enmity, cares little about conciliating them. The gentry, therefore, must either demean themselves to the Mamlutdar or avoid him. On every account I have seen reason to prohibit the Mamlutdars from sending for the Daismooks to their cutcherries without permission from Government.

With respect to the manners of the Mahratta Brahmins and the natives of our old provinces, there is certainly a superiority on the part of the former; they are more civil to their inferiors, polite to their equals, and less cringing to their superiors. For instance, one of the latter, who will scarcely condescend to acknowledge the salam of a common Daismook, will perform the koornish to Jan Rao Naick Nimbalker. A Mahratta Brahmin is more hospitable, and where he would receive the Carnatic into his house, the latter would send a person to shew him the Dhurrumsala.

7th. During the first two seasons the First Assistant and myself visited (that is between us) each Mamlutdar once in the season. I likewise went to some places twice, either for the purpose of investigating complaints, or in order to forward police arrangements. For the last two years I have settled the revenue of each district myself, and have once had occasion to send out my First Assistant to revise the settlement and investigate complaints of our assessment. I have got some old and some modern papers, but I cannot boast of much success in obtaining authentic accounts of the interior of villages, I really believevthey have in many instances been lost and destroyed.

8th. The abkaree is increasing and drunkenness is more frequent; the facilities of distilling are rather less than formerly, but whilst Enamdars retain the privilege there can be no efficient check. The reason of the increase of drunkenness is, that we levy no fines for inebriety, and several of those who formerly indulged in opium can seldom afford to purchase that drug, and therefore substitute spirits. The latter part of the query scarcely applies to this territory, but at Sattara the sale in the camp has increased, whilst that in town has diminished.

9th. The condition of the Ryots, as I have already stated, is much improved, and their embarrassments less. This year, in particular parts, especially on the banks of the Kistna, the crops are unusually poor, whilst in some other parts they are exceedingly abundant; the low price of grain falls heavy therefore about Waee, Sattara, Kurrar, and Malwa, and of course there are

are the usual local complaints common amongst all agriculturists, but this does not apply to the general improvement of their condition. A great number of Meerassadars who were paragunda, or serving in the army, have returned to this district; all of the former and some of the latter have become cultivators: a few new residents have also come from the territory of the Jagheerdars, and before the late cessions a considerable number from the Nizam's territory. The favourable cowls granted by the Sub-Collector will not only prevent emigrations, but, unless great changes are effected, draw numbers from the Nizam's territory into the highly valuable district of Colapore, through a part of which I have lately passed. Since these cowls were granted very few Ryots have come into the Rajah's country. Many Wuttundars residing as Ooprees in the Satara territory have returned to the districts of Poona and Ahmednugger; several have also returned from this district here; but as it is fair that the Ryots should in that case be permitted to do so, I should think it was of mutual advantage for both Governments to encourage their return, and I have accordingly invariably allowed it. Undue influence in any way must on the other hand prove, of whatever advantage to the Ooprec, decidedly the contrary to Government. I have endeavoured to impress on Mamlutdars and all the Rajah's officers that a contrary conduct would be equally childish and impolitic.

With regard to the Daismooks and Daispandees, I have been endeavouring to fix their payments according to what they were during the first year of our revenue settlement. It certainly seems perfectly fair, and in some cases where the assessment was extremely low, partly in consequence of their interference, it would, even if objectionable in others, be in such cases, particularly just. Should I hereafter find any good reason in some difference of opinion which exists among natives respecting the policy or propriety of this measure, I shall not fail to bring it to notice.

The Daismooks and Daispandees now pay no huck roossooms, that was one year's revenue occasionally levied, or do huck puttee, which was ten per cent. on their revenue for one year, and latterly very frequently exacted; but they on the other hand are permitted to levy any exactions from the Ryots as they formerly were in the habit of doing.

10th. I see the Mahratta Sirdars frequently, and keep up a friendly intercourse with them: both my Assistants and myself join in their field sports, and on these occasions we are as familiar with them as with each other. It is, however, very necessary to put bounds to their ordinary visits, otherwise the interruption will be a serious inconvenience. I have no particular days for seeing them, but endeavour, when I can, to see every respectable man who has any business not previously answered or put in train. I think, however, that if the business permitted our being more accessible, seeing more of the gentry, and we had more leisure to pay them attention than is now possible, that it would conciliate them much, and might prove of very great importance.

The natives, discontented under the former Government, and who had hoped every thing from change, are of course disappointed: they say things are just as they were, that we attend to the Ryots because we shall improve our revenue; but who but ourselves would reap the benefit? I think, however, the little innovation that has taken place has afforded very great satisfaction to the generality: they speak of our preserving and repairing some of their customs and usages with the most sincere approbation; our police, our revenue arrangements, and above all, our liberal restoration of landed property, and our pensions, are most highly appreciated. If there exist any suspicion of change, it is attributable to a ridiculous idea they entertain of our always having some distant design in view, to which all our measures are directed.

Almost the only thing of which I find the Ryots complaining with any sort of reason, is their being pressed as Begarees by the regular Sepoys; this pernicious practice is still carried on to a considerable extent, principally by individuals, Sepoys proceeding on leave, and I believe in situations when not under the eye of their European officers. The orders on this subject cannot be too rigidly enforced; and from what has come under my own observation, there must be less attention paid to explaining them in some instances than is excuse-able.

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able. Many of the Sepoys are not aware of the decided prohibition that exists on the subject, and think if they give the Begaree a pice to purchase tobacco, it is a fair equivalent. If the regulation that formed a part of the standing orders of every battalion was read by the interpreter monthly with the articles of war, and enforced with strictness, the practice would cease in the course of twelve months over the whole presidency.

11th. The system of Sahookaree was not confined to bankers; it was a profitable way of employing the capital of a set of individuals whose advantage depended on the existence of a particular system which has now ceased. All Soucars have been great losers independent of their money dealings with Sirdars, Mamlutdars, &c.; every conveyance of money, from one place to another, was managed by bills of exchange; the profits of the regular banker now depend principally upon those who require to negociate bills with distant places, the amount of which is very inconsiderable, and on lending money to individuals. Few bankruptcies or emigrations have occurred, and many who have village debts entertain hopes of having some part of them liquidated.

12th. If we include in this class all who held employment directly or indirectly of the former Government, notwithstanding the liberal endeavours that have been made, there are not, by all I can learn, fifteen in a hundred pensioned, provided for, or employed by us. In the estimate formed on the opinions of the people about me, I include under the head of provided for, all who enjoy enam lands, or who have sufficient subsistence in any way; many of them are, therefore, in a state of great poverty, and I have frequent opportunities of seeing the eagerness with which the lowest situation of a Carcoon is sought after by numerous candidates. For some time, until I was compelled to put a stop to it, the applicants for service used to follow me in crowds, but having left recommendations almost entirely to the Rajah, the applications, though very numerous still, are diverted into a new channel.

The whole of this class that find employment under the Rajah's Government amount to 314, besides which there are thirty-three from our old provinces.

13th. This query has been very fully answered elsewhere by an exposure of facts, without the partiality all of us must have for what we have been supernumerary agents in effecting; but the state of this turbulent country, its order, tranquillity and security, prove the unrivalled success of the liberal and enlightened policy which has introduced our rule.

14th. Some of the unemployed soldiery of this country have betaken themselves to agricultural pursuits, and many have returned to live upon their Koonbee relations. They are in this territory a very numerous and discontented body of men, who would readily join in any disturbance that might take place, especially against our Government, which they detest, notwithstanding the benefits which many of them must see attend our administration; they are more violent, more brave and open, and less dangerous than the discreet Brahmins similarly situated, whose fear and hatred are pretty equally poised. The appearance of the Silladars in this part of the country, even to a stranger, carries with it a sulky, self-important bearing, and perhaps they are less desirous of appearing civil to European gentlemen than they were. There are I should guess at least two thousand foreigners, infantry soldiers, out of employ in this district, they live in the larger towns, and are in great distress; there are about twelve hundred of this description in the Rajah's employ. I have enlisted about three hundred Sebundies during the last year as casualties have occurred, and have endeavoured to divide the vacancies as equally as could be done with propriety. It is supposed there are about seven or eight thousand soldiers out of employ within the Rajah's territory, of which one-half are men who have been Bargars or Silladars. In other quarters of the country, except perhaps in some parts of Gungterry, the proportion of horsemen to foot soldiers is estimated by the natives at one to four.

15th. The village debt is an important consideration, and one which, before giving over charge of this territory, I should have wished to put in train of settlement, more fixed than has yet been effected, even by the information and aid I have derived from your instructions.

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The quickest way would be to declare them null and void, which appears more unjust and impolitic than it might really prove. This debt was nothing more than an extraordinary and increasing land tax, occasioned by the misrule of the former Government, which the profits on agriculture could never have paid, and which ultimately must with justice have fallen upon the Government with which it originated, and by whose measures the whole system was countenanced and supported. It is not very questionable how far we are responsible for debts incurred by a fictitious credit of the sort; it ceases with its cause, and if there were no attendant obligations, we might cancel at once as to its (Sic orig.) impolicy, and how far it might depress trade and agriculture by affecting public credit. There is no want of money in the country, there is more than can be employed. Traders find no difficulty in raising money even under a disadvantage of credit, which I shall presently notice, but the admission of the debt, if not taken by Government, brings the whole weight upon agriculture at once, or in other words, as it is not likely that our Government would support the former system, that branch must be depressed in proportion to the existing debt, or the quantity which we may recognize as recoverable from the agriculturists. In support of this, it will be found, on inquiry, that of the greater part of the village debt, bankers are not the creditors, but individuals engaged in no trade or business, except multiplying this drain upon the country, who except in merely paying for what they consume, would not use their capital so as to benefit the community.

But in the general opinion, which in itself should in a great measure regulate our conduct in India, it is expected that we shall do something towards the restoration, at least, of the principal, and even this cannot be effected without the aid of all the parties. The Soucar, the Ryot, and the Circar, must each contribute or sacrifice some reasonable proportion.

In my Report of May 1820, I mentioned the steps I had taken to ascertain the village debt (the real Mocuddum quaz), before I received your instructions. I afterwards found the Mamlutdars had made little progress in it, and I therefore issued more precise instructions; the result was, I found the debit of that description to be within seven lacs of rupees, and in the following proportions.—

1. On account of instalments and balances (of the whole debt) twenty-five per cent.

2. Forced contributions, dhund, ghees, dana, &c. (ditto) forty-one per cent.

3. New debts contracted with new Soucars to pay the old, six per cent.

4. On account of over-assessment, durbar khurch, &c. seven per cent.

5. The Vatells for their individual debts, give in village securities one-quarter per cent.

6. Tergaee, two and a-half per cent.

7. Village land, not gaom nisbut enam, three per cent.

8. To pay up thefts, one-quarter per cent.

9. The village officers paying the amount of their koonwaba fields, by including the rent in sadirwarred, one-quarter per cent.

10. Security for other villages, one per cent.

11. Balances due by the village to the Mamlutdar, he having paid up this amount, and received a bond from the village, one and a-half per cent.

12. Village bonds extorted, two and a quarter per cent.

To have obtained any thing like data on this head was not by any means an easy task, and after having procured their statements, I am far from being satisfied with their correctness: the whole debt is supposed to be within five lacs. To ascertain this, therefore, it would be necessary to commence an investigation of claims with Soucars and villagers face to face: the dismission of such claims would be determined by their nature as laid down by you, and settled by a few succinct rules as follows:—

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1. The principal of the debt in all cases when money has been paid down must be liquidated.

2. When interest already exceeding or equal to the principal has been received, but the original bond remains with the Soucar, twelve per cent. to be allowed and the bond cancelled.

3. When the principal and interest already amount to 150 per cent. the debt to be cancelled.

4. Where new bonds have been given, including principal and interest, they are of two kinds: one when a part of the principal and interest has been paid, and a new bond granted for the outstanding balance; and the other of the same sort, but with a new payment in cash: in both cases principal alone to be paid.

On being fully ascertained and determined, the period of payment should next be fixed in regular annual instalments, according to the ability of the villages. Government should then step between the Soucar and the Ryot, pay the annual instalment to the former, and recover the amount by inserting each Ryot's share in his putta, and taking the chance of its causing in some cases a greater outstanding balance. By this means each party will contribute, and perhaps the Government most; but its Ryots will be relieved from a check to their industry, and the village officers prevented in a great degree from practising exaction or collusion.

In regard to the debts of individuals, I have left these to be decided by the ordinary tribunals, and they have become the most fertile source of complaint and litigation that now exists. There certainly is not sufficient power over the debtor to enforce payment; I am at a loss for a remedy to what is defective, seeing the prospect of its being wrong applied, but this is what I have alluded to as disadvantageous to public credit.

With respect to the separate letter mentioned in this query, my regular reports on the subjects alluded to have furnished the fullest information on every thing that has been introduced in these departments; but the accompanying answers prepared by my Acting First Assistant, Mr. Morris, which contain very full information in regard to the progress of our superintendence, and are creditable to his industry and ability, I have very great pleasure in forwarding. I have made a few remarks on Mr. Morris's replies, where my opinion seemed requisite.

(Signed) J. GRANT.

REPLIES *to the* SUPPLEMENTAL QUERIES, *by* MR. W. R. MORRIS.

Answer 1.

Mr. W. R. Morris's Replies to Queries, (No date.)

The institution of the Hindoo village establishment, which has obtained from remote antiquity, and the sound parts of which it has been a constant object of our Government to uphold, teaches us the expediency of carefully preserving the influence of the chief police magistrate. This authority, excepting where it was liable to abuse, has not been diminished under our rule. The Mocuddum, or head Potail, is still enjoined to keep himself well acquainted with the character and conduct of every individual residing in his village; the Maungs, Mhars, and Ramoossees, who are the chief police officers, are under his immediate controul; and the whole population of the village being likewise subject to him, he can demand their assistance whenever he stands in need of it. In this respect his authority extends beyond his own village, he being empowered by Government, in cases of necessity, to make a requisition for aid upon the neighbouring Potails, and which they dare not refuse without rendering themselves answerable for any injury that may ensue. It is the duty of the Potail to see that a regular guard, suitable to the size of his village, is kept up during the night; the share of the duty to each individual is apportioned by him. When any robbery has been committed or traced within his boundary, he accompanies the Ramoossee in the investigation and pursuit, until the traces have been carried into the precincts of an adjoining village, to the Potail of

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of which he delivers over the task of apprehending the thief, and all responsibility on his part ceases: but should he be unable to effect this, his village is held responsible for the loss which may have been sustained. Although frequent instances of their inability to perform this have occurred, it is seldom that Government has enforced this regulation; but the villagers have repeatedly brought to the Mamlutdárs receipts for the amount of property lost, signed by the person on whom the robbery was committed. Recourse has likewise been had to confining the Ramoossee, whenever it has appeared that any remissness had taken place on his part. At the time of making the annual revenue settlement, before giving the Potails their puttees, when all are assembled for that purpose, the police, revenue, and punchayet regulations are read; as an invariable part of our proceedings in each district, and one day is always allotted to investigate the number of murders, gang-robberies, and thefts which may have occurred during the past year. The whole of the Ramoossees are assembled, and those in whose villages any of the above-mentioned crimes have been committed, and the perpetrators undiscovered, are called upon to state their reasons for not having apprehended them; should no reasonable excuse be advanced, they are placed in confinement until security has been given for the discovery of the murderer or thief within a stated period. In all cases of murder or suicide, the Potail is strictly ordered, on the receipt of any intelligence relating to such matters, to quit any business about which he may be employed, and to procceed immediately to the place where the body may have been found, from whence he is to dispatch a verbal message to the Mamlutdar, or Shaikdar, and then investigate all the circumstances. Having taken the statements of all those who are in any way acquainted with the matter, he is to forward them, as well as any person or persons on whom the slightest suspicion may have rested, to the Mamlutdar. It is through the Potail that all the orders of Government are conveyed to the inhabitants of his village; and all Government servants employed in the districts are particularly ordered to maintain the authority and influence of the Potail, who is informed that his reputation depends upon his exertions and endeavours to protect his village, and to prevent the occurrence of offences; and that without the greatest attention to this subject it is impossible for him to maintain his respectability; or that remissness and inattention may occasion the forfeiture of his situation. His present influence, therefore, in police arrangements is as efficient as ever, and is directed towards the main object, the prevention of crime, and not, as formerly, towards his own emolument or advantage. Viewed in this light, it may even be said to be greater; and that it will be so as soon as all classes of people begin to look with more respect upon integrity and honesty, there cannot be the smallest doubt.

Some time since proclamations were issued, warning all persons of whatsoever profession to be cautious how they purchased, or received in pawn, any goods offered at an inferior value, or at an unusual hour; that such a circumstance ought to give rise to a suspicion of their having been acquired by dishonest means, and calling upon them to apprehend any one offering such articles, or to give any information to the Government servants as would tend to their apprehension; but in case of their neglecting to do so, and purchasing or receiving the articles in pledge, they would be considered as guilty of a crime, and amenable to such punishment as the Shastrees would award. Notwithstanding this express prohibition, instances have occurred, and one in the village of Rehmutpore, where they no doubt hoped to evade punishment, owing to the village being in the possession of one of the Putwurduns, in which this practice was carried to a considerable extent; but the discovery, apprehension, and punishment of the principal delinquent will, it is to be expected, tend greatly to deter others from pursuing a practice of so iniquitous a nature, but one of common occurrence under the former Government.

The prohibition with respect to carrying arms, which at first applied to individuals, was afterwards changed to five persons travelling in company, and is now extended to twenty-five; in case of its exceeding that number, a passport is required from Government.* The facility with which all individuals of respectability,

* *Remark by Captain Grant.*—" I perfectly concur in Mr. Morris's opinion on this point."—Signed) J. G.

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respectability, who are the only persons who can possibly be affected by this limitation, procure passports, does not require the removal of this regulation; and as the necessity of demanding the production of one keeps the Mamlutdar and other Government servants on the alert, and assists greatly in facilitating the apprehension of many seditious characters, who are occasionally raising insurrections in the country, its continuance may be considered as advantageous.

Answer 2d.

The Potails* at present possess no power of punishing criminals, and they are ordered to forward prisoners, whom they may have apprehended, as expeditiously as possible to the Mamlutdar. It is difficult to define what was the exact power of a Potail in this respect under the former Government; but, from what I am able to learn, none was authorized by the Peishwa, although the Mamlutdars would frequently connive at any such assumed authority, in consideration of receiving a higher assessment. This authority originated from the influence which the Potail was allowed to enjoy in revenue matters, for the purpose of facilitating the collection and assessment of each Ryot's share; with the intricacy attending which no one was so well acquainted, and no one so capable of solving, varied according to the timidity or audacity of the Potail, joined with the vigour or inactivity, friendship or enmity of the Mamlutdar to whom the district was rented. There is now no power of this sort vested in the Potail, and this custom is completely abolished; this has been effected undoubtedly by fear of our strictness, and dread of punishment for exercising an authority which has been declared unlawful. Since my arrival at Sattara a single instance has occurred in which the Potail, although not the actual perpetrator of the offence, allowed one of the inhabitants of his village to confine another for debt. He readily admitted that he had acted most improperly, and after a serious warning he was released on security, and under a promise of never allowing any thing of a similar sort to take place in his village.

Answer 3d.

The excellent system of police which has been established and kept up in these districts has, in almost every instance, proved successful in discovering the parties concerned in any daring violation of the laws, and seldom has a trifling offence been committed without the apprehension and punishment of the transgressor. A degree of knowledge of the endeavours which are used to check and control any species of crime seems to have passed very generally throughout the country, and although, at particular seasons of the year, occasional breakings out take place, still the fear of discovery, and the certainty of meeting with punishment, from which neither bribery nor any of the numerous evasions to which recourse was had under the former Government, can free them, restrains the half-tamed dispositions of those classes who have hitherto obtained a livelihood by plunder and rapine. Insignificant instances have occurred in which an individual has been apprehended three or four different times for a similar offence, arising from a desire to be committed to jail, in order to partake of the excellent fare provided for the prisoners, and better than which, he said, he could not earn by any industry. In consequence of this, coarser fare and a system of delivering to each prisoner a certain quantity according to his caste and the nature of his offence, in lieu of money and permission to purchase whatever was best suited to his taste, has been introduced and attended with the desired effect. I am ignorant of any instance in which a repetition or an increased audacity of crime has been occasioned by the difficulty of conviction, or lenity in punishment.

Answer 4th.

In answer to the principal part of this Query I beg to refer to the accompanying paper (marked No. 1), which contains an account of the number of complaints which have been made direct to the Mamlutdar, and of those which were made at hoozzoor and referred to the Mamlutdar, shewing what proportion has

* *Remark by Captain Grant.*—" The Potails have no power to punish for criminal offences; it is " their duty to pursue, apprehend, and make over the culprit to superior authority. They frequently exercised an improper power as contractors for their village revenue; but the custom of " the country authorizes nothing of this sort in the hands of the Potail."

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has been settled or is settling by punchayets, what amically adjusted, and what settled by the Mamlutdar himself, or still remaining to be investigated. From this it will be perceived, that the number of complaints made direct to the Mamlutdar in every district except one, greatly exceeds that referred from the hoozzoor, which conveys a very fair proof of the reliance placed by the people upon the integrity of that officer; but the rare occurrence of any complaint, against either his arbitration or the proceedings of any punchayet carried on under his direction is still more convincing, although such have been made and on investigation proved to be well founded. A nyaeedaish is held every day, with the exception of some particular Hindoo holydays, under the Rajah's immediate superintendance, and to which every individual of whatever caste has free access, and it is never adjourned until every complaint has been fully heard and decided. Mhows and Maungs stand at some distance when they make their complaints, but they are always heard. Persons of respectability are invited to offer their opinion upon all subjects which may be brought forward for discussion, and the fullest investigation of all points is encouraged. This system is not only maintained in Sattara, but during the annual revenue tour the same plan is adopted, and all persons called upon to come forward and state grievances. On these occasions, the Mamlutdar within whose district the encampment may be, is present; and generally speaking, far from proving a check, complainants take that opportunity of stating their claims. Monthly statements are likewise forwarded by every Mamlutdar of the number of complaints, the manner in which they have been settled, and what proportion remains to be investigated; a copy of one for the district of Konygaon during the month of November is enclosed as a specimen.

Answer 5th.

The Rajah's hookm nama had anticipated a part of these, and Captain Grant's report of January 1821 will shew the extent to which they were promulgated, and are now persevered in.

Answer 6th.

Tukkaza, or tuckada, as it is termed in this country, still continues to exist, although it is never carried to such lengths as it was under the former Government. During that period there were four different descriptions of it constantly practised: that of obliging a person to stand in the sun; to perform the same with a heavy weight upon his head, or with one of his feet raised up; to seat a man at the door of his house and prevent him eating during the day, or to keep him confined in his house and oblige him to afford provision to the man who was seated at his door. In order to abolish the two former of these, orders have been issued strictly forbidding any recourse to violence for the purpose of effecting a settlement of debts, but any one is at liberty to try and enforce such arrangement by either of the two latter expedients, which are generally put in practice for one or two days, after which the plaintiff comes and lays his complaint before the Mamlutdar or the Nyaeedaish. In all matters of debt the Mamlutdar is obliged to refer to the hoozzoor, where investigation is instituted respecting the time at which the debt was incurred. Should it be within the last six and thirty years, further inquiry is made as to the ability of the debtor to discharge the amount for which he is sued. In the latter case, the plaintiff is informed that it is in vain to seek for a settlement of his claims from a bankrupt, and that he must patiently wait until his debtor is in better circumstances, when of course his dues will meet with every attention; in the former case, the party concerned is summoned to appear and questioned respecting the truth of the debt: if he admits it he is ordered to pay it as soon as possible; should he neglect to do so, a tuckada is placed over him by Government until some arrangement is made, which is generally very easily effected by concessions on both sides, as to paying and receiving the sum in portions and at certain fixed periods. Should the defendant deny the debt, and both parties consent to a punchayet, the same is immediately granted. A tuckada is occasionaly employed to enforce the payment of revenue; but this is seldom of long duration, for should the Ryot possess the ability and refuse to pay, it is levied upon the person who has stood security for him, and who always manages to recover the amount: should this however fail, he is forwarded to the hoozzoor, where the fear of confinement removes all obstacles. Should the refusal arise from poverty, as soon as the same is ascertained the tuckada

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tuckada is removed, and the amount either levied upon the village or remitted. The present system of a tuckada is therefore sufficient to bring about some arrangement of all debts and claims, which was the only advantage resulting from it, and although defective, is a much more efficient mode of recovering than I, or perhaps any one without some little experience, could imagine, after knowing the summary means of suing which our law authorises.

A Potail not only possesses the power of settling disputes and of assembling punchayets, but he is particularly called upon by Government to exert his utmost influence in arranging amicably any disagreements which may arise in his village. This mediation on his part is declared to be a favourable sign of his superintendence, and he is allowed to exercise it in matters of the greatest importance, to adjust which the power of assembling a punchayet does not rest with him; when, however, all his endeavours to effect a compromise have proved of no avail, and the property in dispute is of small value, he is authorized to refer it to a punchayet without reporting it to the Mamlutdar. A paper of consent signed by both plaintiff and defendant, called a razenamah, and a decree or sarouch, drawn up and signed by the members to whose decision the matter has been referred, are the only forms required, and which must be deposited with the Koolkurnee of the village. This decision is considered by Government as perfectly valid, should neither of the parties be able to bring forward any proof of liberty having been used or power shewn; but in either of those cases appeals lie from the decree, and the party agrieved has it in his power to make a complaint to the Mamlutdar or Sirsoobadar, who, in such cases, is ordered to investigate the circumstances; and should any proof be adduced, or should he conceive that injustice had been practised, he is to direct the person aggrieved to go to the hoozzoor and forward such remarks upon his case as may occur to him. Should the appeal on investigation appear to be well founded, the decree is declared to be null and void; and should bribery have been practised, the party giving the bribe loses his cause, and his opponent is put in possession of the disputed property.* Should undue partiality have been shewn, another punchayet is given. When a complaint has been made to the Mamlutdar, and all endeavour to bring about an amicable arrangement has failed, he may send the parties to the Potail of any village to which they both consent, with an order to assemble a punchayet; but in this case all the forms and rules to which a punchayet, carried on under the immediate superintendence of the Mamlutdar, is subject, must be strictly attended to, or the decree will never be confirmed by Government. Shetties of trade are allowed a similar authority when merchants or tradespeople are concerned.

The number of punchayets is said to have diminished in the rates of thirty, or thirty-five to a hundred; this great diminution has been occasioned principally by setting bounds to the period when suits of a particular standing and nature are admissible, by confirming all decrees given under the former Government, according to which possession was enjoyed up to the war, and by the endeavours now used to bring about amicable adjustment. The institution of huckee and gonahgaree has had a good effect both in reducing the number of punchayets and enabling the Government to insist on members assembling more regularly. Sufficient time has not elapsed to admit of a full comparison between the slowness of decision under the former Government in its best days and our own, but it is no uncommon thing to hear of a punchayet which had been proceeding for ten or twenty years during the time of the late Peishwa. From the enclosure (marked No. 3) it will appear that disputes which were referred to punchayets three and nearly four years ago, still continue undecided. Every possible endeavour has been used, and is now followed up, to bring these matters to a decision. When delay has been occasioned by the absence of the person who is in possession of the disputed property, it has been taken from him and given over to his opponent until he has returned to plead his cause; when it has originated in the non-appearanee of the plaintiff, a certain period has been fixed for the dissolution of the punchayet,

* *Remarks by Captain Grant.*—" Such partialities sometimes arise from some prejudice against " one of the parties, where old quarrels of family or of caste may have influenced the members, " without their being bribed."—(Signed) J. G.

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chayet, in case of his not being present to make good his claim; when it has arisen from the remissness of the members of the punchayet, they have been summoned to attend by the Mamlutdar, and threatened with the loss of their share of the fine to be levied from the parties. The injustice of allowing disputes to remain so long undecided has been pointed out to the Mamlutdars, and they have been ordered to enforce the above rules, and to use every effort to bring suits of a long standing to a speedy conclusion. As within these last four months several decrees have been received from the Mamlutdars through whose districts we have passed this year, and a greater willingness and disposition to dispatch exists than before, it is to be hoped that all the lists will soon be cleared.

Answer 7th.

The smaller Jagheerdars and Enamdars possess no power of administering justice or of issuing police regulations. The Potails and Koolkurnees of their villages are directed to observe the same system, and to follow the rules prescribed for the other part of the districts, in the performance of which, the Jagheerdars and Enamdars are to render them every assistance; by any contrary conduct, such as affording protection to thieves, conniving at murder, or levying fines upon their servants for a due execution of the Government orders, they render their jagheer or enam liable to sequestration, and they have been frequently warned of the folly of pursuing so unjust a system, occasioning thereby the loss of their rights and privileges, which will otherwise be respected and continued to them. The greater Jagheerdars are vested with uncontrolled authority in both these respects; but by the treaty entered into with each of them, they are bound to maintain an efficient police, and to administer justice with uprightness and equity. Much regularity does not as yet appear to have found its way into their proceedings, and from the numerous complaints which are constantly brought against them their administration of justice is still very deficient. These complaints when made in the Rajah's nyaeedaish are referred to Captain Grant, by whom redress for the injury complained of is obtained, or some good reason ascribed, from which it is evident that the complaint has been urged without foundation. The Jagheerdars have been constantly called upon to deliver up thieves traced within their boundary, and the necessity of apprehending and surrendering up such offenders, affords them no choice as to their maintenance of a police; but the habits and customs of Mahratta rule are not likely to render it very efficient. Notwithstanding the exclamations which are made with respect to their injustice, and the glaringly apparent differencce between the degree of protection and support afforded by them to their subjects, and that which we afford to ours, I am inclined to imagine that their popularity is still considerable. They are regarded as the posterity of those who laid the foundation of the greatness of the nation, and this joined to a similarity of religion and customs, tends to give them no small influence over the minds of their subjects; in these respects, the scale preponderates in their favour, but is counterbalanced by our equity and moderation. Their feelings towards our Government have been secured by the liberal continuance of their former rights and privileges: influenced by the great importance of these they will enter with timidity and hesitation into any wild schemes against our power; but should what they consider a favourable opportunity offer itself, they would eagerly rush forward and use their best endeavours to rid themselves of a foreign yoke. As long therefore as success attends our undertakings and our proceedings continue to bear a favourable aspect, may we look to them for support, but a contrary disposition may be expected should fortune desert us.

The principal novelties in our judicial system, both in civil and criminal cases, are the regularity and consistency in our administration, the equal extension of it to the highest and lowest classes, and the purity which is maintained, or attempted to be maintained; it is clogged with rather a greater degree of form, and so far with more delay. Our police regulations are more strict and more vigorously carried into effect, but are attended with less tyranny and cruelty, and therefore with less efficiency. The introduction of our rule is equally beneficial to all classes with the exceptions to which I shall allude, and cannot, when properly understood, fail of producing satisfaction; for the delay which brings forth equity, and the want of efficiency which is sacrificed to maintain humanity and prevent violence, must be viewed in a favourable light, but

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but our policy will not admit of so pleasing an inference as the foregoing. It is in vain for us to attempt to flatter ourselves that those who formerly were under little or no restraint, and whose wealth and consequence were more ample and extensive, will behold with satisfaction the establishment of a power which curbs their sway and lessens their dignity and riches; that the intriguing members of society who, during the former reign, possessed the principal direction of affairs, and held the best situations both as to rank and emolument, will regard as favourable, the introduction of an administration in which they have no prospect of rising to the highest stations of power and trust; that those who have been accustomed to maintain a livelihood by peculation and fraud, will feel satisfied with a system which admits not the name of either; that the disbanded soldiery and speculating Shroffs will feel satisfaction under the present state of things. In counterpoise to these, we hope that the abolishment of arbitrary and grievous assessment upon the lower orders of society, and the countenance of all lawful and admissible rights to every class, will tend considerably to remove the restless spirit and disposition to which these unfavourable circumstances give rise, and that time, justice, and liberality, will reconcile even the most dissatisfied.

Answer 8th.

The custom of employing Aumeens in cases of civil justice has not been introduced into this part of the country.

Answer 9th.

The limitation imposed upon the filing of suits has been fixed at seventy years, in all cases of mortgages, of wuttun, and claims to land, and thirty-six in disputes about debts and other matters of personal property. Appeals against the decree of a punchayet are required to be made within two months after the signature of the members has been affixed, and should four months have elapsed they are not admissible.

Answer 10th.

When disputes arise between the greater Sirdars, the matter is always referred to Captain Grant, who either brings about an amicable adjustment or refers it to a punchayet, the members of which are generally of the same rank as the parties concerned; with this exception, the proceedings are the same as towards every other class, and little or no difficulty has been experienced in arranging the disputes of the smaller Sirdars. Neither has force been required to carry into execution the award of a punchayet when the disagreement has been decided in that way; complaints, however of this description, are uncommon, and mostly of a trifling nature.

Answer 11th.

The system of levying a fine under the denomination of huckee and gonahgaree, which has been established here in all civil causes, deters persons of a litigious disposition from bringing forward claims without any foundation. Previous to granting a punchayet, security is required from plaintiff and defendant for the payment of this, according to the following regulations.

In disputes respecting meeras, koonbeewa, and all other sorts of assessed lands, the persons losing the cause is to pay a gonahgaree equal to one half of the yearly amount paid as revenue to Government.

In disputes about houses and all other kinds of personal property, a gonahgaree is levied according to the value of the property at the following rate, from one rupee to twenty thousand, eight per cent, and from twenty thousand to one lac, five per cent.

In disputes regarding enam jagheer and other hereditary property, one year's income is paid as huckee and gonahgaree, one-third of which is levied as huckee on the successful, and two-thirds on the unsuccessful competitor.

In disputes about maun paun, &c. where any income is derivable, one year of such income is levied as gonahgaree; where the dispute is merely for some privilege, Government levies gonahgaree according to its own discretion.

These rules it will appear affect principally the person who loses his cause, and thereby diminishes considerably groundless and frivolous complaints. Besides these,

these, when appeals are made against the decision of a punchayet, the appellant is obliged to bind himself by a written paper to pay such fine as the Government shall think fit, in case of his not being able to make good his assertion, and for the payment of which he must give security. Having entered into such bond his complaint is investigated, and should it be proved to be unfounded, a fine is levied upon him according to the circumstances which may have induced him to come forward and make his appeal.

Decrees are never enforced by the attachment and sale of houses and implements of trade; the debtor who possesses nothing besides these is declared to be insolvent, and his creditors are obliged to wait until he has been enabled to amass some more tangible property. Should money, however, have been raised upon the security of a house, on failure of fulfilling the contract, the debtor is obliged to make over his pledge to the person who has advanced cash under such agreement. Decrees, with the exception of those relating to debt, are strictly enforced, and the property in dispute delivered over to the rightful owner.

The practice of confining for debt has not been introduced into this territory.

Answer 12th.

The answer to this Query is contained in the latter part of the foregoing.

Private arbitration has increased considerably, owing to the expenses attending a punchayet granted by Government, and to the endeavours which have been used to render it more common. Before referring a cause to a punchayet, the Mamlutdars are ordered to recommend amicable arbitration, and even after a punchayet has been assembled, the parties are at liberty to try and adjust their disputes through the mediation of any third person; in which case, only one-half of the usual hurkee and gonahgaree is levied from them.

(Signed) W. R. MORRIS,
Acting first A. P. A.

J. BRIGGS, Esq.

(No date.)

1st *Question.* What is the estimated extent of your charge in miles?

1st *Answer.* The estimated extent of Candeish, according to a rough trigonometrical calculation, formed from the latest printed maps taken from the apex of the mountains on the northern, western, and southern boundaries, and a line drawn from Boorhampore to Adjunta, forms an area of 13,187 square miles.

2d. What is the computed number of the population, and how many to a square mile?

2d. According to the census in 1821, there is 418,021 souls, which gives about 31¼ to each square mile.

3d. State the gross and net amount of the revenue of your charge?

3d. The gross amount of fusly 1230 (A.D. 1820-21) was Rupees 19,45,969, and the net amount to be collected, after all permanent deductions of gaum khurch, Zemindars, russums, enams and babs, was Rupees 17,16,346. This includes the pergunnahs of Byavut, Chopra, Loharro, and Pochora held for Dowlut Rao Scindiah.

4th. The amount of your charges and their per-centage on the Revenue, excluding salaries to Collector and Assistants, and Ahsham or military sebundies, which may be shewn separately?

4th. The amount of present fixed charges, including pensions, charities, Bheel nemnooks, and warshasun, is Rupees 4,02,700, as follows:

Hoozzoor Cutcherry, including English writers and treasurers, &c. Rupees	41,166
Hoozzoor Adawlut establishment, Mamlutdars and Carcoons...	1,11,960
Sebundies in the mehauls, including Hircarrahs, &c.	1,18,920
Pensions, Bheels, nemnooks and wurshasuns.........................	1,28,442

making

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making a per-centage of Rupees 23. 1. 85. on the nett revenue of fusly 1230.

Question.	*Answer.*	
5th. The number of Government villages and the territorial alienations in enam, jagheer, mocassa; shewing the proportion which the total of these alienations bears to the Government land, according to the kumal or tuncka assessment, and exhibiting the proportion of waste or cultivated Circar land?	5th. Government villages inhabited	1,836
	Uninhabited, but part of the land cultivated	413
	Deserted	1,146
	Goom gaon, or villages, the scites of which are unknown	97
	Total Government villages	3,492
	Enam and jagheer villages	540
	Total villages	4,032

The total of the alienations in enam and jagheer bear to the Government villages, according to the tunkah, a proportion equal to Rupees 9. 2. 50 per cent. The total of alienations in enam and jagheer, including the enam lands of Government villages, as well as the entire villages held in enam and jagheer, bear to the whole tuncka by the best calculation that can be made, the tuncka of the enam lands in Government villages being ascertained by calculation only, the proportion of one to five. The proportion of waste to cultivated Circar land, assuming a hundred on the whole, is as follows:

Cultivated	12
Arable uncultivated	43
Waste, including hills, rivers, towns, &c	45
Total	100

6th. The number of talooks or Mamlutdars into which your district is divided?.	6th. There are nineteen talooks.
7th. The average collections from each?	7th. Ninety thousand.

8th. What balances of the settlement have occurred in your district in each year since we have had the Government?	8th. In 1228 fusly, a balance of	Rupees 16,713
	In 1229 ditto	27,923
	In 1230 ditto	75,000
	Total	Rupees 1,19,636

9th. What have been the causes of failure?

9th. Generally speaking, the cause of failure is found in the poverty of the cultivators, who are unable individually to sustain even trifling losses. Of the above sum, 28,580 rupees have been remitted as irrecoverable, 100,000 rupees of it are due on account of mokassa from Scindia; 3,000 rupees have been collected and appropriated by the Zemindars of Tailner and Rawere; 10,000 rupees are due from the contractor of customs; and the remaining sum of 41,056 is a balance recoverable from the Ryots.

10th. What new tank or water courses have been made?

10th. None. Some few dams have been repaired after strict inquiries, and consistently with the greatest economy; several more are in train of repair, without which the public revenue will greatly fall off.

11th. What regulations exist about tanks or water-courses, that is, the account of any tank or channel; stating the rules about repairs, clearing out channels,

11th. There are no tanks in Candeish, but a very extensive irrigation prevails, which exhibits the remains of an enlightened system of agriculture. There

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Question.	*Answer.*
channels, distributing the flow of water, and from what funds and under whose superintendence all this is done?	There are altogether 103 stone and mortar dams thrown across the various rivers in Candeish, some of which are estimated to have cost from 50,000 to 60,000 rupees; many are so old, that no satisfactory records exist of the period of their constructions, but all agree they were built solely by the Government for the time being, and they are ascribed with great probability to the Mahomedan monarchs. Enam lands in some places exist to insure the repairs of some of the least expensive water-courses; but, generally speaking, as the whole of the original disbursement was from Government, so it is customary for Government to maintain them in repair. The water is in some places carried over nullahs, or small rivers, by expensive bridges and aqueducts. An allowance from the village expenses is made to the Patcurry, or person superintending the clearing of the channels and the distribution of the water; and he is, besides, entitled to one row of every different sort of cultivation in each field, which is either paid in kind or by commutation in money.
12th. Are tank repairs assessed upon meeras or enam lands, which, as well as Government, benefit by the repairs; if so, in what proportion is the account regulated?	12th. Repairs of dams are usually too expensive to admit of sums being raised on that account, on villages whose lands they irrigate; Government is gradually reimbursed by the additional cultivation or extent of irrigated lands.
13th. Are the enam of the Bara Bullooty exempted or not?	(No answer.)
14th. Is it usual when the damages are trifling for the Ryots themselves to repair them, either by their own labour or by an assessment of grain for the purpose. Is this a part of the condition of the tenure on which they held their lands?	14th. No such conditions exist, but necessity frequently compels the cultivators to apply their labour to temporary embankments, &c. &c., or trifling repairs of that nature.
15th. Are regular returns of the cultivation sent in to you at periods from each district, compared with the preceding year?	15th. They have not hitherto been required to be sent in, as I have judged it proper for the sake of ascertaining gradually the true state of the cultivation, to cause the whole to be measured annually; and a further investigation takes place, if necessary, at the jummabundy.
16th. Are quit rents levied by you in military bazars; if so, what are the rates at which they are collected from each class of bazar dealers?	16th. Quit-rents are not levied on any military bazars in Candeish.
17th. What difficulties are experienced in the realization of the revenue?	17th. Hitherto very few. The chief difficulty is, when the Mamlutdur has neglected to collect the revenue when the crops are gathered in, and delays it till late in the year. The few remissions that have been required have been authorized, after application made on the subject.
18th. Is distraint of property ever resorted to?	18th. Distraint of property is sometimes resorted to, but it is not often necessary.
19th. Have the appropriations of lands to village temples and their ministers been continued?	19th. On all occasions they appear to have been so by records for a series of years.
20th. Have stipendiary allowances in any case been granted in lieu of land?	20th. None.

21st. 21st.

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Question. 21st. What portion of the day is exclusively set apart to the public hearing of complaints? are they received *vivâ voce*, or in writing?

Answer. 21st. In spite of every wish to adopt the system of hearing complaints *vivâ voce*, I have been compelled to abandon it. Persons in Candeish state at one time before me what they deny to my face another. I have at length adopted the plan of receiving all petitions in writing, which prevents the plaintiff from retracting, and from making frivolous, groundless, and malicious complaints, to which I found the *vivâ voce* plaintiffs too prone. A box with a hole to receive petitions lies in the veranda of the cutcherry, which is opened by me on Mondays, Thursdays, and Saturdays, when all those who choose attend. I am always open to complaints against personal violence or outrage, during the whole time I attend the office, from ten till five, daily.

22d. State generally the various sources from which the revenue is drawn.

22d. Land revenue, customs, abkarree, mohturfa, and petty assessments, which are partial and vary in different districts, are small and vexatious in collecting; and as they are numerous they necessarily occupy much of the time of all public servants either in realizing or keeping the accounts of them.

23d. What was the origin and nature of the kumal or kamil rental; by whom was it instituted and at what period of time?

23d. I understood by the kumal or kamil rental, the extreme amount which any village or pergunnah has ever been brought to pay; the term was probably adopted by the Mahomedans. Where new dams or other great improvements have been effected, the kumal has exceeded the tunkha or estimated value of the rental, but where no improvements of this kind have taken place, it has seldom reached the tunkha in Candeish.

24th. The same information with regard tothe tunkha rental.

24th. The tankha is the estimated value of the rental of the land, and is said to have been fixed in Candeish by Akbar.

25th. What are the different species of soil in your district? Specify their varieties and the names by which they are designated in the native language; whether dry land, of the black, red, or mixed sort, or garden land watered from nullahs, or by machinery from wells, or paddy lands which are irrigated either by artificial means, or which depend solely upon the monsoon rains. Assuming sixteen as the total, specify the proportion which each sort of land bears to the whole.

25th. Ooleim kaley, best black; mudhun kaley, middling ditto; chickum, dry mixed with gravel; burrud, gravelly; sale burrud, red gravel; poola burrud, yellow ditto; mall burrud, hill ditto stony; zerayet or arable, is a name given to all land not irrigated. Baghaet or garden, is a name given to all land irrigated, whether by wells or by aqueducts. To state the proportions of each sort of soil in a district of this extent, of which 10,44,683 beegahs out of 73,77,161 only are cultivated, and about half of which is hid by forests, would be impracticable; nor can any satisfactory answer to such a question be given till an accurate land survey has been made, which would probably occupy several years. I shall however venture to give some notion of the proportion under cultivation, by a reference to the crops raised on them, assuming that certain land is appropriated to certain grains. The irrigated land in 1230 amounted to 72,636 beegahs.

The zerayet, or land not irrigated, 7,95,732, of which the following divisions of proportion may be made, assuming sixteen as the whole:

Ooleim kaley	6
Mudhun kaley	3
Chickum, Ray Chickum	3

Burrud

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Burrud
Lal burrud
Peota burrud
Mall burrud*

Answer.

4

Question.

26th. State whether any survey of the land has ever been made or not. If made, under what Government and in what manner it was completed? In regard to the various measures that are entered in the village accounts, such as the beegah, the tunkha, the mar, the chiggur, &c., state whether they are measures of a specific quantity, or merely estimated. If the former, specify the exact length of the rod or chain by which the measurement was ascertained. If they are merely estimated quantities, specify how the estimate was formed; and in order that uniformity may be preserved, be particular in shewing how many square rods, each of five cubits and five clenched fists long, go to a beegah of land.*

Answer.

26th. It is said that the records now denominated tunkha and rukbah were formed on a survey made in the time of Akbar, under the superintendence of Rajah Taul Mull. The districts of Nundoorbar and Sultanpoor underwent a survey with the ilahy guz (the same said to have been used by Akbar's officers) in the time of Ilahy Rye, and the number of beegahs fell short nearly thirteen. In my revenue report of Candeish of 1820-21, I gave a list of the guzes or rods used in each pergunnah. I propose this year, assuming five cubits and five fists (pauch hath pauch moothee), or nine feet as a standard, and squaring the present assessment to that measurement, by which alone any notion can be formed of the relative ratio of assessment in different soils and in different pergunnahs. The tunkha, the marthe chiggur, are terms wholly unknown in Candeish.

The land is spoken of by the out, or 80 beegahs (properly one plough of land); a purtun, 4 beegahs; a beegah, 20 paunds; a paund, 20 visvas, or rods; that is to say, one visva or rod in breadth, and 20 rods in length, form one paund. The intermediate parts do not differ.

27th. What are the different sorts of produce sown in the black, red, or mixed dry-land soils, and what in the wet or batty lands? How many seers of seed of each kind are required to sow a beegah of each sort of land? What is the gross produce of the returns? The first, second, and third description of soil may be taken as the average, and the produce exhibited in pucka seers of rupees weight.

27th. Wet lands.

Patusthul and Motusthul.

1. Oolum } Kaley. } Produce sown.	Seers of Seed required for a Beegah of Land, each Seer 80 Rs. weight	Gross Produce of the Return.
Sugar-cane,	100 Slips of sugar-cane estimated to be capable of producing 120 seers of jagry.	600 Seers of jagry.
Paddy	21	400
Rallah	2	200
Bajery	3½	200
Wheat	21	300
Chemmy	21	250
Wuttana (peas)	21	200
Woorried	10½	200
Moong	10½	200
Makye (Indian corn)	5¼	200
Kandy	3½	300

Nagley

* Pauch hatt, pauch moothee

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Deccan.

Answer.

Oolum Kalby.—Produce sown.	Seers of Seed required for a Beegah of Land, each Seer 80 Rs. weight.	Gross Produc of the Return.
Nagley	3½	300
Rajgeerah	1	200
Goolee (Indigo)	1	2½
Tillee	2	200
Vegetables	½	700
Wangee	¼	500
Meerchee (chillies)	¼	1,500
Candy (onions)	½	500
Lussum (garlic)	10	500
Chowly	3	100
Walkeha	20	200
Aley (ginger)	40	450
Meeree	17½	210
Gajur (carrots)	1	200
Mussoar	20	200
Plantains	500 plaints.	400 plaints.
Lienes	200 plaints.	£25,000
Tobacco	1	350
Bhoon moong	16	300
Opium	2	7
Zerayut	—	—
Rutta	2	100
Wewa	2	100
Kodrao	2	100
Paddy	21	400
Corasany wowa	3	150
Bajay	3½	150
Wheat	21	190
Chonny	21	150
Wuttana (peas)	21	150
Thoree	13½	250
Ooried	8	60
Moong	3	60
Mehut	5⅙	100
Mucha	5⅙	150

Jowaree

Answer.

Oolum Kaley.—Produce sown.	Seers of Seed required for a Beegah of Land, each Seer 80 Rs. weight.	Gross Produce of the Return.
Jowaree	$5\frac{1}{6}$	300
Koolty	$5\frac{1}{6}$	100
Nogly	$3\frac{1}{2}$	200
Bhurty	$3\frac{1}{2}$	150
Rajgeera	1	150
Tillee	2	200
Kurdy	$3\frac{1}{2}$	200
Chowley	3	200
Ambarry	2	150
Shopa	2	150
Tag	2	100
Al	2	100
Kupas (cotton)	10	250
Errandy	5	60
Tobacco	1	250
Ulsee	5	100
Jow (barley)	20	100
Coossomb	5	30
Dhunny	10	160
Shaloo Jowary	3	300
Lac	10	150

The muddun and kunnist require to be sown with the same quantity of seed as the ootum; the produce of the kunnist one-third less than in wet lands, and one-half less in dry land.

Question.

28th. What are the seasons of sowing and reaping the different crops? and assuming 100 as the standard, specify the proportion which each sort of produce bears to the whole, agreeably to the enclosed form, No. 1.

Answer.

28th. *Vide* separate statement accompanying.

29th. With a view to form a judgment of what proportion of gross produce now go to the Sircar, to the expense of cultivation, to the maintenance of the Ryot's family, and what profit remaining to him still; how many beegahs of black land can be brought under cultivation by a Ryot possessing eight bullocks, the gross produce of the land, the charges of labour

29th to 34th. A Ryot possessing eight bullocks can bring under cultivation 100 beegahs of black dry land calculated to produce 3,000 seers of chemmy at thirty seers per rupee 100

400 seers of bajree at forty seers per rupee 100

5,000 seers of wheat at twenty-five seers per rupee 200

Carried over...... Rs. 400

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Question.

labour and other expenses of cultivation; the Government share of the produce and the balance of profit remaining to the Ryot. In calculating the produce, take the average of the best, middling, and worst land, and in fixing the value be guided by the average of the prices of the last twenty years, as far as they can be ascertained. This account requires particular care and accuracy in its preparation, in order to guard against fallacious results, and as the proportions sometimes vary according as the Ryot is rich or poor, state proportion of the middling class.

30th. You will also shew if the Ryot has any other sources of profit beside the produce of his field.

31st. The same account of a Ryot similarly situated who cultivates either garden or batty land, or red, or mixed dry land.

32d. If a Ryot similarly circumstanced cultivates more than one or all of the different sorts of land, shew the proportions of each sort and the produce, and other particulars as above expressed.

33d. If he cultivates beetle-nut, sugar-cane, beetle-leaf, and other of the superior articles of garden produce, state the quantity of seed required for one beegah, the total produce, the expenses of cultivation, the Government rent, and the balance of profit on each article.

34th. If the share of plantation or horticultural produce is different from that of other sorts of produce, in consideration of the different expenses of rearing them, you will be particular in stating the circumstances.

Answer.

Brought over .... Rs.		400
By sale of bhoosa and kurby beyond what is required for the cattle employed..................		70
5,250 seers of jowarree at fifty seers per rupee		105
Gross produce .... Rupees		575
Government share at two rupees per beegah..........................		200
Balance .... Rupees		375

The charges of cultivation:

For seed, Bajree...... Rupees	3	
Wheat	21	
Chemmy	18	
Jowaree	3	
	—	45
Hire of four labourers		200
Weeding		20
Wear and tear of eight oxen at five rupees annually		40
Wear and tear of wood, iron, and tackle for ploughs		10
Fees to district and village officers		40
Total expenses ...... Rupees		352
Balance of profits remaining to the Ryots............... Rupees		23

A Ryot similarly situated that possesses eight bullocks may cultivate twenty-five beegahs of patusthul land, as follows:

Eight beegahs with sugar-cane, eight ditto with paddy, nine ditto with chemmy and wheat, calculated to produce as follows:

840 seers of gooch or jagree, at twelve seers per rupee	560
3,000 seers of rice at ten seers per rupee	300
2,250 seers of wheat and chemmy taken together at thirty-five seers per rupee	64

Government share for eight beegahs planted with sugar-cane at twenty rupees per beegah	160
Eight beegahs sown with paddy at ten rupees per beegah	80
Nine beegahs with wheat and chemmy at six rupees per beegah	54
	294
Balance.........Rupees	630

Charges of cultivation for the sugar-cane:

Manure	40	
Seed	80	
Weeding	80	
	—	200

For

Answer.

For taddy:

Manure		16	
Seed		8	
Weeding		30	

For wheat:

Seed	8		
Wear and tear of materials for the ploughs	16		
Wear and tear of eight bullocks at five rupees per annum	40		
Hire of four labourers for the whole number of beegahs	200		
For the village and district officers on the whole produce	60		
		323	
			577
Balance of profit remaining to the Ryot is, Rupees			53

A Ryot with eight bullocks may cultivate twelve beegahs of Mohtusthul land, four beegahs with sugar-cane, and eight beegahs with wheat, yielding 4,800 seers of goorh or joary, producing 400
3,200 seers of wheat at twenty-five seers per rupee 128

Total gross produce ....Rupees 528
Government share at six rupees per beegah 75

Balance.........Rupees 456

Charges of cultivation for the sugar-cane:

Manure	20		
Seed	40		
Weeding	40		
		100	
Wheat	8		
Wear and tear of eight oxen at five rupees annually	40		
Wear and tear of the materials of the ploughs and of the mote	20		
Hire of four labourers	200		
Fees to village and district officers	40		
		308	
			408
Balance of profit remaining to the Ryot is ....Rupees			48

Question.

35th. You will also state whether the specific shares of Government and of the Ryots varied in land newly reclaimed, or were the same as in land long cultivated? Did the shares of packeries, or strangers, differ from those of fixed residents?

Answer.

35th. To compensate for the expense of clearing the jungle and preparing the ground, the full assessment on newly reclaimed land is not taken until the fifth year. The share of strangers does not differ from that of fixed residents.

36th. What is the highest and what the lowest rent of a beegah of Government land of the black soil, consisting of square rods of......... to the beegah? The same information also in regard to the rent of other soils; you will besides shew the highest and lowest rent of cholee lands as well as of swasthee and of meeras land?

36th. The highest and lowest rents of a beegah of Government land of pauch hath, pauch moothee, are as follows:

Patusthul ootum, from 21 to 70 rupees, Muddum, from 8 to 2, Kunnist, from 1 to 8.	Average of 22 beegahs 1. 18½
Motusthul ootum, from 5 to 7 .... Muddum, from 3 to 5 Kunnist, from 1 to 3	Average of 37,000 bgs. 3. 12

Zerayet

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Deccan.

Answer.

Zerayet ootum, from 2 to 3½	....	Average of 658,000 bs. 1. 9½
Muddum, from 1 to 2	....	
Kunnist, from 1 to 4	....	
Total average	....	1. 13½

Question.

37th. Do the Ryots possess a private inheritable property in the land, with liberty to sell or mortgage it at pleasure? If such Meerassadars exist, do they include the whole body of the Ryots or only a part of them, and what is the name by which they are called and their tenure designated? Shew what profit a Meerassadar derives from his land more than a Ryot who is not a Meerassadar? Under what Government the meeras was first established; under what rules or circumstances, and how it has since been held; whether any sunnuds for such meerasses are extant, whether the purchase and sale of such land has ever taken place; and if so, for how many years purchase money. Should such sunnuds be procurable, some specimens to be forwarded with a translation of their contents?

38th. Are the sales and transfers of meeras land registered in any way, or any fee paid to Government in the transfer?

Answer.

37th and 38th. There are but few Meerassadars in Candeish, and it is understood that with the exception of Potails and other Zemindars, they have the right of mortgaging these lands only, and not of selling them. The Zemindars can sell their meerassy lands only when they dispose of their Zemindarries, the former being considered a part of the latter, and inseparable from it. It does not appear that a Meerassadar can derive more from the profits of his land than a Ryot who is not a Meerassadar, except by his superior industry. Under the late Government, he was usually assessed at a higher rate than other Ryots, because it was considered there was less chance of his abandoning his land than those who were mere tenants at will.

39th. Is meeras land subject to the payment of hucks or other fees, whether it be cultivated or left waste?

39th The hucks are paid in kind, and in proportion to the produce, and therefore not levied on waste land.

40th. Does the neglect to cultivate meeras impair the right, or subject it to forfeiture?

40th. I am not aware that any neglect to cultivate, or the abandonment of the land for any definite period, impairs the right of the Meerassadar whenever he may be disposed to assume it; except a few in Buglan, there are no Meerassadars in Candeish beside the village and district Zemindars.

41st. Does the meeras tenure exist in all the villages, or is it confined to a particular tract of country?

41st. It exists only among Zemindars in all villages.

42d. If so, how do you account for the circumstances?

42d. The cause of its being confined to Zemindars only, and not now extending to all the other permanent cultivators, can only be accounted for by a succession of masters, who have disregarded every other object but that which necessity and the policy of the moment compelled them to adopt. And it is fair to conclude from this circumstance that they found it convenient to admit the hereditary privileges of village and district officers. The total overthrow of all right in the soil was probably effected during the Mahomedan Government.

43d. What is the proportion of Meerassadars in your district to tenants at will?

43d. The proportion of Meerassadars to tenants at will is about as one to six.

44th. Are the Ryots particularly tenacious of their meeras land?

44th. Particularly so.

45th. 45th.

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Question. — *Answer.*

45th. What is the number of Ryots to whom you issue ryotwar puttees?

45th. In 1821-22, 23,597 puttees were given.

46th. Are mochulkas exchanged, and do both specify the quantity and quality of land and the rates of payment?

46th. The Ryot receives a putta specifying each particular portion of land, the rate of assessment, and the sum total he is to pay, which includes every thing that can be demanded of him in money. He enters into no mochulka, but the Potail gives a koobooleat nama, in which the name of each Ryot is entered with every detail.

47th. Amongst the different conditions under which the Ryots cultivate Circar land, such as the kutgoottah, mukta goottah, swasthee, oosli, and choolee, the latter is generally stated to be a losing concern. If so, what are the reasons for its occupation, and for any restriction that may be resorted to by the Government officers to prevent its being thrown up. What is the origin of the term choolee? Are the Ryot's losses upon the choolee made by the easy terms of the kutgoottah, by cultivating vackarree land or enam land, or in what other manner? Shew the origin of the words swasthee and ooste used in some districts. If, like that of the choolee, the losses in one sort of land are compensated by the extra profits of other sorts of fields in the Ryot's occupation, fully explain the circumstance.

47th. Kutgoottah and mukta goottah are synonymous terms, signifying a contract for the use of a piece of ground at a determinate rate, differing from the ordinary assessment. By swasthee is understood land always bearing the tunkha assessment, or not held under more favourable engagement or indulgence. The term choolee is unknown in Candeish. For the last twenty years, the most common tenures in Candeish were the outbundee, or engagement to pay a fixed sum for the use of each plough and pair of oxen with which the owner might cultivate as much land as he could, and teekahbundy a fixed assessment for each field. The latter was open to much abuse, as appears by the measurement, which has brought to light so much concealed land since our occupation of the country.

48th. To what description of lands was the term sheree applied?

48th. The term sheree is applied to lands that have been separated from the village by great officers, Jagheerdars, and Mamlutdars, for their own use, paying neither revenue nor hucks. The term appears to be continued to these lands even after they have reverted to the village, although they are then in every respect the same as other lands.

49th. Is that or any other land reserved by Government and expressly placed under the management of the Potails, or village-officers, on account of Government? If so, under what circumstances was it reserved, and how was it managed?

(No answer)

50th. Is the Ryot at liberty to relinquish at pleasure the Government land in his occupation, or does this depend on the officers of Government? What was the practice of the former Government, and what is the present practice?

50th. On [illegible] n of any Ryot relinquishing [illegible] he is called on to explain the reason, and, according to circumstances, is allowed to relinquish or not: if he wishes to quit his occupation altogether, there is no obstacle to his doing so. Under the former Government every exertion was made to dissuade him, and if he persisted his goods and chattels were distrained, and if he absconded his family were very frequently seized, and confined till he returned.

51st. Whose province was it formerly to direct the cultivation, and how

51st. It has always been considered the duty of the Potail and the Zemindar,

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Deccan.

Question.	*Answer.*
how is it now managed? If the modern differs from the ancient practice, explain the circumstances, and shew whether the change is favourable to the Ryot or otherwise, whether there is any cause of interruption to the freedom of cultivation, whether any restraint is imposed upon a Ryot who possesses the means but refuses to cultivate his usual fields. If such restraint is imposed, shew in what manner. What was the custom observed in this respect under the former Government?	dars, and as they have a per-centage on the gross revenue, it is their interest to encourage it. No management for directing the cultivation will ever be necessary, if the balance left with the Ryots after paying all dues is such as to induce them to cultivate for profit. If no profit arises out of cultivation, I conceive that no management will avail to prevent the country becoming more and more impoverished daily. If a Ryot refuses to cultivate his usual fields, and requires other land, it is given to him on condition of his paying the same rent for the new land as he did for the old.
52d. Into what umuls, babs shares, was the revenue of a village or district divided under the Mahratta Government, as chowth, mokassa, jagheer, &c.?	52d. Jagheer, mokassa, including sahootra (or six per cent. on the mokassa produce), babtee, and sirdaismookee.
53d. As these divisions are not uniform, state those which are most common in the different districts of your charge, with the proportion which each bears to the whole revenue.	53d. These divisions are not uniform in Candeish. The proportion which each bears to the revenue of a village is different in different villages. The proportion which each bears to the whole revenue of the province is as follows, *viz.*

Jagheer	75 shares.
Mokassa	$17\frac{3}{4}$
Sahootra	1
Babtee	$6\frac{1}{4}$
Total	100
Extra:	
Surdaismookee	$12\frac{1}{2}$
Surkanangow	1
	$113\frac{1}{2}$

54th. Was the surdaismookee a part of the tunkha or kumal, or whatever may have been the total standard at the time it was established, or was it an extra impost on the country?	54th. An extra impost of twelve and a half per cent.
55th. Were these umuls parts of the whole standard rental, kumal, or tunkha, or were certain deductions first made before the umuls were apportioned?	55th. The umuls were paid after deducting all expenses and casual extra levies.
56th. When any umuls were alienated, how was the exact sum to be paid on account of them fixed, or if levied by the persons themselves, how were they?	56th. The amount of each umul (per-centage on the nett revenue) was in the first place fixed by Government. It varied in different places, and the proportion payable to each individual claiming it was known by an examination of the detail accounts, for which purpose an establishment was always maintained by the Jagheerdar.

57th.

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Deccan.

Question.	*Answer.*
57th. To what species of rights is the term wuttun usually applied, and what is the usual custom respecting the employment and division of wuttuns, succession, &c.	57th. Wuttun, according to the Mahratta acceptation of the word, seems to signify hereditary property, and equivalent to the canawticherry of the Tamool and the vutty of the Taloogoos.
58th. Explain the circumstances generally of ezaput villages?	58th. The term is not in use in Candeish.
59th. What security was formerly taken for the realization of the revenue, and what security is now taken?	59th. Havildars were maintained in each village to prevent the crops being sold till Sahookars agreed to pay the money for the Ryots, and all defalcation was raised on others. At present the Potail is looked to, in whose koolyat is entered an agreement, on the part of the village, to make good all casual defalcations on account of deaths, desertions, or failures.
60th. In what manner were cowls for the clearing of waste granted under the old government, and how are they now granted? State the difference between the two if any exits, and whether any hindrance is now found to the cultivation of waste upon cowl.	60th. Cowls for waste land differed according to circumstances. The most common cowl was exemption for the first year, and gradual increase of one-fourth annually to the fifth year. When the land was much overgrown with jungle and roots, the exemptions extended to the second year, and the payments were one-fifth annually afterwards to the seventh year; this was the most advantageous cowle ever granted in Candeish. These tenures are open to all such as choose to accept of them, in addition to the cowls directed to be issued on the Ryots in general, seem to prefer the old cowls (*Sic orig.*) on lands lying fallow for many years, because there are few of them can venture to apply the whole labour of a plough to waste land only, to which the latter is peculiarly applicable. On occasion of the establishment of villages wholly deserted, they are sometimes induced to take the new cowl. Cowl for lands which have only lain fallow for two, three, or four years, is granted in conformity to the new cowl.
61st. Was waste land ever reserved by the former Government? What waste land has been brought under cultivation since the Company's accession to the Government?	61st. Waste lands were sometimes reserved for forage of cattle; 284,870 begahs of waste land have been cultivated since the Company's accession to the Government.
62d. What ruined villages have been repeopled?	62d. One hundred and fifty-five villages have been re-inhabited, and some of the lands of 105 other deserted villages have been cultivated.
63d. What were the general principles established, and what were the forms observed in the revenue economy of the former Government?	63d. The pergunnahs in Candeish, under the late Government, were for the most part rented out by the Peishwa every year. The renter or sub-renter sent his agent to the mehauls, who made as good a bargain as he could with the Potails of villages and Zemindars, founded on the accounts of the preceding year and present appearances of cultivation.
64th. By whom, and with whom was the settlement formed in the first instance?	64th. Usually through the Zemindars agency with Potails.
65th. Was the jummabundy under the late Government farmed moozawar, that is to say, was it a village settlement, or was it farmed by mehauls or whole districts? Was the country farmed out, or was it under aumany management? State the particular modes observed of making the settlement.	65th. It was usually farmed, and the Revenue contractors and the Zemindars and Potails were incessantly trying to overreach each other.

66th.

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Question.	*Answer.*
66th. If farmed, was the farm annual, or for a term of years?	66th. Annual.
67th. Who distributed the details of the settlement amongst the individual cultivators? Was it the Camavisdar, the Potail, or the Koolkurnee? Was it customary to conclude the settlement of the whole mooza first, and then to apportion out the constituent parts ryotwar; or was the settlement first made with each Ryot, and the aggregate considered the jumma of the village. In settling with each Ryot, what were the several puttees imposed, in addition to the original assessment of the cultivated land?	67th. The Potail and Koolkurnees distributed the details of the settlement. Besides the assessment on the land, whether made on the plough, on the field, or on the beegah, the villagers were subject to extra assessments for the payments of village Dhurmadows, Havildars, Turrufdars, furmaish, or supplies gratuitously furnished to Mamlutdars and others; and, in short, for all incidental expenses to which the village was exposed, which under the best Native Government may be calculated at twenty-five per cent., and under loose administration from fifty to a hundred per cent.
68th. After the village settlement had been formed, if any deficiency occurred in the repartition of the sum amongst the Ryots, how was it made up?	68th. By an extra assessment.
69th. Who now makes the ryotwar distribution of the assessment, what are the several puttees levied, and generally under what rules is it formed. If any difference exists between the present and former usage, explain it in detail, and state whether you consider it advantageous to the Ryot or otherwise; give the account of the village according to the mode of settlement under the former Government upon the moozawar plan, shewing the distribution afterwards into ryotwar, and corresponding accounts of the same village under our Government?	69th. The ryotwar distribution (if by this is meant the allotment of land to each individual) is made by the Potail. The assessment is made by the Collector in person. Each Ryot in Candeish cultivates a certain portion of ground on his own private account; and on the extent and nature of land being ascertained, the assessment is made through the agency of the Potail. When the jummabundy is over, each Ryot receives his putta from the Mamlutdar, in which every item of assessment is stated, including Zemindars and Potails, hucks and roossooms. He has thus an opportunity of immediately applying for redress, if he thinks justice has not been done to him in the arrangement. Formerly, from all that I can learn, settlements were made with the Potail; the ground was not measured, nor was any reference had to the extent of cultivation, but to the sum which the Potail agreed to pay, and the details of cultivation, the distribution of assessment, and amount payable for gaum khurch, &c. &c. &c. was left entirely to him and to the Zemindars, and under such circumstances the Potail and his relations contributed but little in proportion to the quantity of land they held. I have reason to think under the late system, that no less than twenty-five per cent. of the gross revenue was swallowed up by these intermediate agents in the best times; and within the last twenty years, perhaps fifty per cent. Thyrow bunds of the late and present Governments are furnished in Mahrattas.
70th. What security was there for the property of the tenantry, and what checks against oppression?	70th. Appeals to the Camavisdars or Zemindars.
71st. How were the limits of the demands of the officers of Government determined, by a share of the crop, or by a fixed money rent?	71st. In general by a fixed money rent.

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Question.	*Answer.*
72d. Was the demand fixed according to ancient usage ascertained by the village accounts, or was it at all discretionary in the Government officers to fix it?	72d. The only demand legitimate is, that which accords with ancient usage, ascertained by village accounts.
73d. If discretionary, could the Ryot be ousted from his land, if he refused assent to the terms proposed?	73d. I am not aware that any ryotwar settlement was ever made, or indeed that the Ryot was individually consulted. The settlement was made with the Potail, and he alone was looked to for the money. The details were in his hands, and I imagine, excepting by desertion, there was no resource left to the Ryot but to pay the demands made on him by the Potails.
74th. If rent in kind was commuted for a fixed money rent, was it determined on a given average of the prices of former years, or how?	74th. Commutations of money for rents payable in kind were made usually at the value of the produce of the year preceding. If the Potails demurred when the price was high, the rents were taken in kind; but this system varied every year in the different parts in Candeish: much depended on circumstances and individual character.
75th. When was a money rent first substituted for payment in kind?	75th. It is impossible to reply to this question generally. Candeish has long been subdivided among various masters, and caprice or interest established, or renewed payments in kind, or payments in money, in different places at different times.
76th. How were the periods of the kists fixed in the several gradations of collection, from the Ryot to the Potail, the Potail to the Camavisdar or farmer, and the farmer to Government? Be particular in stating the periods at which demands were made upon the Ryots for the dues of Government of whatever description, and the relative per-centage of each instalment, and the practice in this respect as it now prevails, exhibiting the merits and demerits of each system, and stating which is most conducive to the revenue.	76th. The present system is to realize the revenue, after allowing time for the sale of the crops and according to the nature of the produce. For instance, the joary and bajee crops ought to pay all their dues by the end of January, and the wheat and chemmy crops will not even be demanded before February and March. If Government is not pressed for money, by allowing time for the sale of the crops before the revenue is demanded, the Ryots make more of them than if they were called on to make payments while the crops were still unripe, when they must mortgage to Sahookars to pay the rent to Government. In Candeish, I should recommend the present system to be continued for many years, till the country has recovered from its impoverished condition. Under the former Governments, much the same periods were fixed for demanding the rents on the khurreef and rubbee crops. The harvest was gathered into the threshing floors, where guards were posted to prevent its removal till merchants or bankers became security for the payment of rents, when it was allowed to be taken away and sold. The consequence of this was, that the farmers were compelled to sell their grain, and sometimes mortgage the ensuing crops at reduced prices, and were subject to all sorts of imposition, from which they are now wholly relieved.
77th. If any, and what remission of the full rent allowed to Brahmins or Mussulmans, or other privileged castes, either in consideration of their poverty or of their receiving no assistance from their women in the labours of agriculture.	77th. No deductions from the rent is allowed, but there are few Mussulman and no Brahmin cultivators in Candeish.

78th,

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Question.	*Answer.*
78th. Were the rents formerly discharged by the Ryots in ready money, or by huwala, or assignment upon bankers? How paid—by the Mocuddum to the Mamlutdar, by the Mamlutdar to the Sirsoobadar, and by the Sirsoobadar to Government? In case of loss of exchange, or charges of interest occurring from the system of huwala, was the amount assessed upon the Ryots? If so, state what may have been about the per-centage upon a Ryot's rent.	78th. The rents in Candeish have been for many years paid by huwala; the Ryots were obliged to make good all losses.
79th. What is the system now prevailing in this particular? Does any charge of interest or loss by exchange fall upon the Ryot? If so, state the proportion with reference to his rent, comparing the present with the past system.	79th. The rents are now paid by the Potails direct, but the system of huwala among individuals perhaps partially exists: it is not possible to tell what is the loss sustained by them, as it is sometimes more or less according to circumstances. This species of huwala is a private transaction, and is totally different from the huwala of the old Government.
80th. What is the usual rate of interest paid by Ryots for sums borrowed from Sahookars.	80th. There is very little money now borrowed by Ryots, they get tuccava from the Soucar. No money is however lent to Ryots by Soucars, even now, under twenty-four per cent. annually.
81st. Does the rate vary when the loan is for grain instead of money?	81st. Grain advanced in the sowing season receives at fifty per cent. in the harvest.
82d. What are the several coins in your district; of which is there the greatest, and of which the least quantity? In every 100 rupees collected, what received in payment of revenue is about the proportion of each coin?	82d. The only coin received into my treasury is the Chandore rupee.
83d. Were there any established revenue rates at which coins were received under the former Government; or were the rates undefined and fluctuating? How is it now? If not already done, would it be desirable to fix the relative rates of each with reference to some standard. If so, state the average market and intrinsic value of each coin now in circulation, in a separate table, shewing the highest and lowest value during the year.	83d. Under the late Government, as well as in the present, there was little diversity of coins in Candeish. The assessment was in many pergunnahs made in tuckas at a fixed number of pice for a tucka; and if paid in silver, the latter was taken at its current value relatively with copper. There are now no payments made but in Chandore rupees, and scarcely any other coin in circulation.
84th. If you conceive that any depreciation of particular coins takes place from a combination of the Shroffs, what remedy for the evil would you suggest?	84th. There is but one coin.
85th. Is any profit brought to account in converting the currency of the country into the coin in which your accounts are kept. If so, state the average amount annually.	85th. There is but one coin.
86th. Are the same coins that are collected from the Ryots paid into your treasury, or are they changed on the way to it?	86th. There is but one coin.

87th.

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Question.	*Answer.*
87th. What checks are established to prevent this abuse?	87th. There is but one coin.
88th. Do the sirsalputtees, or list of remittances from villages and districts, specify the different coins composing the remittance?	88th. Yes; in the most ample detail.
89th. Under the former Government, did the Muktadar, or farmer, on failing to realize the fixed jummabundy from the Ryots, make good the difference from his own pocket, or did he assess and collect it from the Ryots generally, either in the same or succeeding year. In the event of individual failures, from death or other causes, whence did the farmer realize the loss? State also what is the existing practice; that is to say, are deficiencies of revenue ever levied upon whole villages or districts?	89th. Under the late Government, farmers of the revenue most commonly paid the amount at the beginning of the year, an allowance being given for the interest; and they realized as much for the Ryots as they could in any way. It has hardly ever been found necessary to make extra assessments on this account on villages after the jummabundy has been made; some trifling balances have, however, been thus realized.
90th. Are receipts granted in the several gradations of collections, *viz.* to the Ryots by the Potails, &c. and by Camavisdars?	90th. Receipts are granted in all the gradations of collection by the Koolkurnee to the Ryot, Mamlutdar to the Potail, and by me to the Mamlutdar.
91st. Is any register of receipts kept by you, and in what form?	91st. A register is kept in the form of a ledger, in English, and copies in Mahrattas.
92d. Under the former Government, was credit allowed in the jummabundy for the villages, or was the amount collected by the Potails and Koolkurnees at their discretion by an extra assessment upon the Ryots, exclusive of the jummabundy? If these charges were deducted in making the jummabundy, state what particular items were disbursed by the Potails and Koolkurnees at their pleasure, and what particular items were expended through the Mamlutdar. You will explain the practice also as it at present exists in this regard; you will also exhibit the average per-centage of village charges under the late Government, comparing them with those of the present?	92d. Under the best Government the gaum khurch was allowed for, and deducted from the jummabundy. It is calculated that it amounted to fifty per cent. of the gross revenue in small villages, and never less than twenty-five per cent. in large villages and towns. During the fusly year 1230, the total amount of items under the head of gaum khurch, including all the various hucks of district and village officers commonly classed under that head, is 2,10,018 rupees on 16,65,049, being 12. 2. 50 per cent. on the gross revenue. There are no items of gaum khurch disbursed through the Mamlutdar. For many years the custom in Candeish has been to allow the Potails to collect and manage the gaum khurch in any way they chose; and I know of instances where the collections on that account have been more than double and treble the amount of the jummabundy.
93d. Are the fees and perquisites of Potails and Kurnams collected in all villages?	93d. They are collected in all.
94th. Are the proportions different in different places?	94th. The proportions seemed to have been fixed according to the influence of the Potail at the time, and have been handed down to posterity in the same way. They vary in almost every village and pergunnah.

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Question.	*Answer.*
95th. What checks are established to prevent excessive exactions under the head of gaum khurch?	95th. The amount of shares which fall on each Ryot is included in the land assessment, and this is fully stated in each pottah.
96th. Which of the ancient institutions remain in full force, and which of them have been modified or abolished since the accession of the British Government?	96th. The employment of the Zemindars has been set aside; the gaum khurch has been limited and defined. Each Ryot has a putta, which includes every thing he has to pay in any shape.

97th. Who are the various officers of the village, including the Potail, Koolkurnee, and the Barra Bullooty? Give the designation of each, and describe their several powers and duties. Shew what are their emoluments or perquisites, rights and privileges, whether they are paid by land, or by hoogee anaj ghoogree kurbei, &c. from the Ryots; whether these fees are charged upon each plough, upon the land, upon each individual Ryot, or upon the crop.

98th. What other cesses were levied under the late Government, such as fuskee huldee nuzzur khumderee turruf hagber baco, upon each bullock load of grain, under the name of gourkas, or any other denomination?

99th. Which of these are still collected, and which discontinued under our Government? State what is the amount of enam land including hoogee anaj and other perquisites enjoyed by the Potails, after deducting quit-rent or enam puttee, payable to Government. Give an instance of a village in your district where the per-centage of their emoluments in proportion to the revenue is the highest, and of another village where they are lowest, and strike the average. The same information is required with regard to the Koolkurnees, the village Tullaries, Tussulee Puadas Yeskers or Havildars, and the Barra Bullooty generally.

97th to 99th. The officers of a village are as follows:

1. The Potail. He is the head man of the village, and the principal actor in all transactions relating to it. It is not easy to define his authority with great exactness, as it must depend in some measure on character, and greatly on circumstances, under our Government. The Potail must be considered as the agent of Government, in his village, for the encouragement of agriculture and collection of the revenue, and on the part of the villagers for the purposes of representing to Government their wants and grievances. He has a prescriptive authority over the Barra Bullooty and over the village in general, but no defined direct authority from Government for its control, except the authority for granting punchayets and deciding suits in minor cases; which, however, does not appear ever to have been exerted: at least its effects are not observable. The Potails are paid by enam lands and by a share of the revenue denominated tachoory or mooshara; the account of which last, relatively with the revenue, differs in different villages. The amount of the whole, relatively with the gross land revenue, is 1. 3. 50. per cent. The Potail is also entitled to one and a half per cent. in kind on the actual produce of the cultivation. There exists no documents by which the precise value of this right can be ascertained; but by a rough calculation it may be estimated at 75,000 rupees, or about four and a half per cent. on the gross land revenue. The amount of enam land appropriated to Potails, is 1,08,000 beegahs, yielding by assessment 1,20,000 rupees, which is four per cent. on the tunkha in Candeish. The amount of cultivated Potail's enam land is 35,000 beegahs, and amount of its assessment 48,000 rupees, or 2. 3. 02. per cent, in proportion to the gross land revenue; nineteen per cent. in proportion to the revenue of the village, is the largest amount of perquisites enjoyed by Potails in Candeish, including cultivated enam lands, pachoora, and wanora, or share of the crops; five per cent. is the lowest. The large amount of the former is occasioned by there being a great deal of mohtusthul cultivation in the village, the produce of which is equal to the patusthul; but in consequence of the additional expense of cultivation, the assessment considerably less. The average proportion of the Potail's emoluments, as above

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above, with the gross revenue, is about nine per cent.; but this in each village is divided among so many, that many active karbarry or managing Potails are left with a mere trifle, who under the former Government were rewarded for their pains by appropriations from the gaum khurch, to which they were not strictly entitled, and which are now no longer available to them.

2. The Koolkurnee is the register of the village, subordinate in his official character to the Potail. It is his business to keep all the accounts of the village, and also generally to perform the simple offices of secretary required for each individual of the village; such as writing records and engagements, drawing up written testimonies, &c. The Koolkurnees are paid by enam lands and by a share of the revenue, under the denomination of moskarra, also by a share of the crops or wanola. The amount of enam lands appropriated to Koolkurnees is 16,300 beegahs, whose assesment is 19,400 rupees, or 0. 2. 50 per cent. in the tunkah of Candeish. The extent of cultivated Koolkurnees' enam lands is 4,800 beegahs, yielding by assessment 6,400 rupees, or 0. 1. 63 per cent. on the gross land revenue. The amout of Koolkurnees' moskara entered in the Thyrow bunds for 1230, was 23,756 rupees. In four mehauls the moskarra is not entered in the Thyrow bunds, but is collected separately, being by established custom from four to six pice on a purtun, or four beegahs of land, producing about 2,500 rupees. The whole moskarra, calculated at 26,256, bore a proportion to the gross land revenue of 1. 2. 37 per cent. The wanola, or share of the crops to which the Koolkurnee is entitled, is one per cent., which may be calculated at three per cent. on the gross revenue. In a village where the per-centage of the Koolkurnee's emoluments of every description is highest in proportion to the gross land revenue, it is about eleven per cent.; the lowest is about three per cent., and the average 4. 2. rupees per cent.

3. Mhar.—The Mhar is an attendant on the Potail, for the purpose of collecting the revenue and generally for the performance of the office of messenger. The Mhars have 39,534 beegahs of enam land of an indifferent description, which may be valued, at as many rupees, one per cent. on the tunkha; of this 16,534 beegahs only are cultivated, bearing an assessment of about 18,000 rupees, from which must be deducted a quit rent of 2,345 rupees, the balance being 0. 3. 75 per cent. on the gross land revenue. The Mhars have the same share of the crops under the denomination of bullooty as the Koolkurnee.

4. Sootar, or carpenter.—It is his duty to make and repair the agricultural materials in wood which are required by the villagers, without further remuneration than is afforded by his bullooty hucks. It is only in a few pergunnahs that any enam land is enjoyed by the Sootars; the total amount of it is 221 beegahs of which ninety beegahs, only are cultivated. His bullooty hucks in grain are one-quarter less than that enjoyed by the Mhars.

5. Chambaur, or currier.—It is the duty of the Chambaur to make and repair all the leather-work required in agricultural instruments, in the same manner that the carpenter does the wood-work; also every year to provide the Potail with a pair of sandals gratis. In the whole of Candeish there are only fourteen beegahs of enam land to Chambaurs. The bullooty hucks in grain are the same as the carpenter's in the villages where there are Chambaurs, which is only in the larger villages.

6. Lohar, or blacksmith.—It is his duty to make and repair all agricultural instruments of iron. The Lohars have no enam lands. The bullooty hucks in grain enjoyed by the Lohar in his village, are the same with the carpenter; but not more than one third of the villages in Candeish have Lohars.

7. Koonbar, or potter.—It is the duty of Koonbars to furnish Zemindars and Potails Bullooty with earthen vessels gratis, and also, once a year gratis to the other cultivators of the village. There are sixty beegahs of enam

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enam land appropriated to the potters, but more cultivated. Their bullooty hucks in kind are one-fifth less than the carpenter's, and not more than half the villages in Candeish have Koonbars.

8. Navee, or barber.—It is his duty to perform the office of barber to all the cultivators of the village; if there is more than one in the village, it is the duty of one of them to attend the Potail as a servant, when he leaves the village on any Government business. There are one hundred beegahs of enam land in Candeish belonging to the barbers, of which twenty-five beegahs are cultivated. The bullooty hucks in kind of the Navee are the same as the Koonbar in his village. But all the villages in Candeish have Navee.

9. Dhabee.—It is the duty of the Dhabee not only to wash the clothes of the village Zemindars and Wuttundar gratis, but of their women. There are Dhabees in only one half of the villages in Candeish. Their bullooty hucks are the same as those of the Koonbars and Navees.

10. Maung.—It is the duty of the Maung to remove the dead bodies of cattle, and to make ropes required for the purposes of cultivation on being supplied with materials, also to apply the strings to cots. The skin of the animal removed is the perquisite of the Maung. His bullooty hucks in the village are one-fifth less than the Koonbar's, or about one-half per cent. on the produce. There are Maungs in about one quarter only of the villages in Candeish; in the other villages the duties of the Maung are performed by the Mhars.

11. Joshee, or Bhut.—He goes about on the 1st and the 11th of the shood or vud of each month, telling the fortunate and unfortunate hours, officiates at mariage ceremonies as priest, for the performance of which duty, however, he is separately paid. There are 9,659 beegahs of enam land appropriated to the Joshees, of which 3,759 only are cultivated, yielding by assessment about 4,800 rupees. Their bullooty hucks are the same as the Maung's in their respective villages, but are paid in every village in Candeish.

12. Moolla, or Mahomedam priest.—There are 1,200 beegahs of enam land appropriated to Moollas, of which 150 only are cultivated. It is in a few villages only that the Moollas retain their bullooty hucks, which are in those villages the same as the joshees.

13 Sonar, or goldsmith.—It is his duty to examine and shroff the coins paid by the Ryots to Government, or by the Bunyeahis to the Ryots. Their bullooty hucks are the same as the Maungs, and derivable from one-fourth of the villages in Candeish.

14. Jagla, Bheel, or watchman.—The duty of the Jagla is to watch the gates, and generally to prevent, by watching and observation, any injury happening to the village by thieves, whom it is their duty to discover, or to trace beyond the boundary of the village, where their footsteps have been traced to it. The Jaglas hold in enam 32,520 beegahs of land, assessed at 33,786 rupees, bearing a proportion to the tunkha of Candeish of 1. 0. 12 per cent.; of this, 12,045 beegahs only are cultivated, whose assessment is 12,707 rupees, bearing a proportion to the gross land revenue of 0. 3. 0 per cent. There are also 503 rupees paid from the gaum khurch to Jaglas of villages, where there are no enam lands and but small perquisites. Their bullooty hucks are the same as those of the Maungs: the whole of their perquisites, including cultivated enam land in 1230, bore a proportion of about 2. 1. 12 per cent. in proportion to the gross land revenue.

15. Cooly.—It is the duty of the Cooly to clear the outside yard of the Zemindars and Potails' houses, also occasionally to supply them with water, and clean the brass and copper vessels of their families; likewise to provide travellers with water. They hold in enam 16,307 beegahs of land assessed at as many rupees, of which 6,710 beegahs are cultivated, yielding by assessment 6,710 rupees, from which must be deducted an enam balance of

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of 800 rupees. One hundred and twenty-three rupees are paid to the Coolies from the gaum khurch, in villages where there are no enam lands. Their bullooty hucks are the same as those of the Maungs in their respective villages, but they are paid from about one-third only of the villages in Candeish. The whole of their perquisites bear a proportion of 1. 0. 50 per cent. on the gross land revenue.

Question.

100th. You will also state the mode and form in which the Koolkurnees keep their accounts, more particularly those which relate to the extent of cultivated land, description of produce, and amount of rent of each Ryot.

Answer.

100th. The accounts kept by the Koolkurnees relating to the extent of cultivation, &c., are now lowny putruck, shewing by whom the lands of the present year are cultivated, and the changes which have taken place in this respect compared with the former year. A cowl putruck, or account of lands cultivated on a reduced assessment; jureeb kurnee, an account of the measurement of cultivated lands; akur putruck, account exhibiting the rates of assessment and amount of land revenue; enam putruck, shewing the extent of cultivated and uncultivated enam lands. There are no accounts kept of produce or description of grain sown, except for the patusthul lands, that are assessed according to the nature of the crops. The principal money accounts kept by the Koolkurnees are, a bakeel putruck sunwat, or account of balances due from individuals; rozkurda, or tahsul jora, or daily account of money received on account of Government from the Ryots, and of payments made to the Government officers; and kuttownee, or account of receipts and balances of each individual Ryot. The Koolkurnees have also to make out the pottahs for each individual Ryot at the jummabundy, copies of the thyroobund and koaboolcat, and, upon the whole, their duties may be considered laborious and ill-rewarded.

101st. Are the accounts now so prepared as to enable Government to ascertain with accuracy what ought to be the revenue of a village, or to enable the Collector to decide on complaints for extra exaction from individual Ryots?

101st. If it were ascertained by a regulation what proportion of the gross produce, or the balance, after certain deductions, ought to be the revenue of a village, the accounts, as they are now prepared, would afford this information with sufficient accuracy. As the total amount payable by each Ryot is inserted in his pottah, the Collector has only to ascertain to a certainty what he has paid, and to refer to the Ryot's pottah, to enable him to decide whether he has paid too much or not.

102d. If so, by which rules is this certainty defined?

102d. The rights of Government are ascertained by actual measurement of each field. The rates are assessed according to an average taken of ten years under the best government, for the same fields which are now in existence; and as the whole amount payable, on whatever accounts, is included in each Ryot's pottah, as he has the Koolkurnee's receipts entered on the back of his pottah for the sums he pays by instalments, it appears that no extra money should be taken from him with impunity.

103d. Are any additional rules necessary to fix it?

103d. No measures beyond what have been adopted at present occur to me.

104th. If there be any difference in the nature of the duties exacted in former times and those exacted now from the village officers, you will explain it, and state whether the duty then or now is most onerous.

104th. The duties of writing now required from the Koolkurnees are extremely laborious; so much so, that where the hucks are small they even threaten to relinquish the office.

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Question. / *Answer.*

105th. What were the powers and duties, as recognized under the former Government, of Sirsoobadars and Mamlutdars?

105th. Their power was absolute, even to capital punishment, under Bajee Rao's administration, but not in the time of Nana Furnaveese and Jhyle Bye.

106th. How were they paid?

106th. They had fixed salaries, and the Sirsoobadar of Candeish was allowed to expend from five thousand to ten thousand rupees annually for contingencies. His expenses were for the most part defrayed from the gaum khurch, under the head of furmaesh, and sometimes even by puttees.

107th. When were the Zemindars, such as Daismooks, Daispandees, &c. &c. &c. instituted, and under what rules? Are there any of their original sunnuds extant, or any documents to shew how the office has since been conducted? State what were the official perquisites, and under what rules and designations collected; whether any variations from the ancient practice have of late been introduced. Are these hucks a given per-centage on the village collection, or are they indefinite and fluctuating?

107th. It is difficult to say at what time the Zemindars, such as Daismooks and Daispandees, were first instituted. From all that I have ever heard or read on the subject, under the ancient Hindoo monarchies a class of hereditary petty rulers existed over each district, under appellations sufficiently significant of their control over a tract of country, but varying in the several languages in India, such as Mundlovee, Daismook, Dessaye, Natan, Natywar, Nat Gawr or Polygar, Dessave, and Dess Adikars, and other titles by which they are still known in almost every part of India. The fact of their titles having survived the invasion of the Mahomedan and other conquests for the last eight centuries, is of itself sufficient proof of the antiquity of this class, had we not the testimony of the Maha Bharut and the Vedus to confirm this belief. In the former, the regal title of the Sarwa Bhoom or King is particularly distinguished from the Mundheer Rajahs or dependants, who, it would appear, were looked upon in the light of feudatory chiefs; and as all the offices of the Hindoo Government were considered hereditary, so probably was the office of Amandlooee. The Vidnyaneshwar speaks of the Gram Adikars, the village magistrates, and the Dess Adikar or country magistrate (Daismook); and the whole of the Mahomedan history, from the invasion of the Punjab under Mahomed of Ghuzzing in the eleventh century, down to that of Mahomed Esoof into Madura in the eighteenth, teems with the occurrence of petty district rulers, who, on the occasion of the overthrow of the Sarwa Bhoom of each nation, set up for himself and opposed the invaders. The Mahomedan histories of Guzerat and Malwa afford us numerous instances of this sort, not only of the Sarwa Bhoom calling together their Mundlecks contingents to oppose them, but of the Mahomedans being content to rule over these Mundlecks by exacting a bajor tribute, which they found it necessary to collect frequently at the head of their armies. The contumacy of the Zemindars in this respect frequently induced the Mahomedans to supersede their authority by officers of their own nomination; but while their power was taken away, their portion of the revenue, allotted to them for the performance of their duties, seems still to have been continued; but the office itself was essentially altered from that of a feudatory noble to a dependent pensioner. It has been thought by some that the office is only coeval with the Mahomedan power. This opinion has probably arisen from the circumstance of the Mahomedans having reduced the Daismooks to their present degraded condition; and it is, I believe, certain that the office as it now exists never formed part of the Hindoo constitution of Government. It has fallen from its original dignity, and is now become a mere burthen on the revenue, and a medium by which fraud can be practised on the public, and oppression on individuals, where the Government is either weak or not vigilant. I have never seen an original sunnud, but copies of them are to be found, I believe, in

Answer.

in the Ayeen Akbury, and certainly in Mr. Patton's work on the Zemindarree tenures in Bengal. These are both Mahomedan authorities, and would go to prove that the present Daismooks and Daispandees are official, and not absolutely hereditary titles; but it may be fairly assumed that the Hindoo appellations known from Cashmeer to Ceylon, significant of the chief of a tract of country, whether as Mundlooee or Adikar and Dessanee, was never established by the Mahomedan, and that the office is coeval with the Potail and village Bullooties; but, unlike them, its functions have been reduced from that of a feudatory chief to the humble mediator between the Government and the peasant. While the nature of the office was gradually subsidiary, so did the perquisites of office fall off according to local circumstances and personal character, so that where one Daismook receives only three and a quarter per cent. of the gross revenue, another has from ten to twenty-five per cent. in roossooms and in land.

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Question. — *Answer.*

108th. Were these officers hereditary, or were they ever removed from their offices?

108th. The office appears to have been hereditary.

109th. What was the duty exacted from these Zemindars in former times, and what service do they now perform? Have any changes been introduced into modern usage?

109th. By former times I assume the Government of Nana Furnaveese and Jhlya Bye, when no communication of any sort was ever held by the Camavisdars with the Ryots but in the presence of, or through the agency of the Zemindars. The orders on villages for money were invariably written by the Daispandee, and the receipts were given by him countersigned by the Furnaveese' Phurnere, and the Camavisdar's seal was affixed. The Government officer was, in many instances, rather a controller and overseer of the district than the execution officer, for the Daismooks and Daispandees not unfrequently imprisoned persons, and punished them, without the sanction of the Camavisdars.

110th. Were those of the higher order ever subject to suit and service, like ancient feudal tenure?

110th. The reply to this question has been already anticipated. I am of opinion that there is sufficient reason to believe that Daismooks have frequently exercised powers almost independent of their sovereigns, for a period so long as to enable them to be considered as feudatory, if not independent chiefs.

111th. Is the influence of the officers generally advantageous or otherwise to Government?

111th. In the present state of Indian society, I conceive the influence of the Daismooks, whether as feudal chiefs, or in their most limited condition under the native Government, to be a source of oppression on the peasantry; and under our Government, that the office is almost useless, and their interference pernicious as connected with collecting the public revenue. On the other hand, I conceive they might be rendered useful in judicial measures, in sitting on punchayet, and in aiding with their influence the civil power in all criminal matters.

112th. Is that influence diminished since we succeeded to the Government?

112th. In Candeish it is daily decreasing, and I have long considered its gradual extinction as essential to the welfare of the peasantry and to the strengthening of the power of Government.

113th. Would it be politic still more to circumscribe it?

113th. In Candeish they have little, if any power left, and are gradually losing that which habit still seems to attach to them. I am of opinion that, provided they are not allowed to raise money, or to interfere in any way in its collection, no further measures to supersede their authority or influence are necessary.

114th.

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Question.	*Answer.*
114th. Is the influence of Gooroos and the heads of tribes less considerable than formerly? What has been the effect, if there be any, upon their morals?	114th. The population of Candeish is so wholly taken up in struggling against poverty, and in exertions for its improvement, that it appears to have little leisure either to attend to spiritual affairs or to practice vice,

arising out of idleness. But the dread of punishment by fine or correction, which prevailed under the late Government, for the prevention of adultery, fornication, gaming, and drunkenness, has altogether ceased, and when the inhabitants shall have the pecuniary means to indulge their propensities, neither the moral condition of the people, the example of the better classes, nor the fear of punishment under our Government, are of a nature calculated to deter from the commission of immoral practices.

115th. What are the rights, privileges, and duties of hill chiefs, Naicks, of Shetsundies, Ramossees, &c. &c.?	115th. There are no Shetsundy Peons in Candeish. The duties of hill chiefs are to protect the passes through their mountains, and to assist in apprehending such malefactors as come within range of their limits.
116th. Was it the custom of the former Government to advance tuccavee; if so, under what securities, and what were the periods of repayment?	116th Camavisdars were at liberty to advance what they chose to the Ryots, and upon being removed, the balance of tuccavee was paid to them either by the new Camavisdar or by

Government. The usual interest was twenty-five per cent. payable within the year of account, at whatever time of the year it was advanced. The security depended on circumstances, but it was usually advanced through the agency of Zemindars and Potails.

117th. What is the existing usage? Did the former exceed or fall short of the present amount? Would cultivation be promoted by further augmenting these advances?	117th. It is now advanced to individual Ryots on their finding ample security, without interest, and an account now exists in my cutcherry with 4,500 Ryots; the present probably exceeds the former amount as four to

one. No further advances are requisite. They are only made to such persons as want to purchase farming stock; and on condition of breaking up new ground, two rupees are advanced for each beegah, payable within the year, for the repair of wells' walls; and new building of villages; two or three years are allowed for repayment.

118th. What proportion of the Ryots of five villages require the aid of tuccavee?	118th. Calculating on the account of the number of persons to whom tuccavee has hitherto been annually granted compared with the number of

whom pottahs have been issued, about one-third of the cultivators have required the aid of tuccavee.

119th. On the whole, is there more or less efficiency of control under us, or under the native sway?	119th. Our control is certainly more efficient.
120th. Is there more or less formality, decision, and despatch?	120th. There are no forms necessary; I and my Assistant sit alone in our offices apart from the cutcherry,

and as we attend daily from ten to five regularly, and no individual is turned away without being first heard, I imagine there is less formality than under the native Governments. Decision, as relates to revenue affairs, is as prompt as circumstances admit; but as, under our Government, every extra expense requires to be sanctioned before it can be authorized, as no extra puttees are allowed on any pretence whatever, and as nothing out of the ordinary routine of business is done without references, there often exists more delay in the decision of revenue questions than under the native Government, where eventual increase of revenue was the principal object

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Answer.

object, without considering the intermediate means of attainment. I am led to believe that business is despatched with greater celerity than under the native Government, in a rate at least proportionate to the time devoted to it.

Question.

121st. Are we more or less arbitrary, summary, and discretional?

Answer.

121st. We are less arbitrary and more discretional, inasmuch as our notions of justice, and the improved state of European society render us superior to the natives. This is a question, however, which depends so much on personal character, that the inhabitants themselves perhaps are best fit to decide on it.

122d. Are there any investigations, such as distraint and sale of wuttuns, abolition of tuckaza, personal coercions?

122d. No investigations of this nature have taken place.

Mohturfa, Professional or House Taxes.

1st. Question. Explain what was the former mode of fixing the mohturfa or taxes on traders, merchants, artizans, and artificers.

2d. Was it fixed with reference to their income or the size of their house. If any way, how were these points ascertained?

1st and 2d. It differed in different towns. The former payments of individuals appear to have been the only guide for subsequent assessments. When any one became very poor, some diminution was made; and when a person's condition improved, something extra was levied. This information, however, rested either on the personal observations of the Mamlutdar or his agents, or on the statement of the neighbours.

3d. Or were the contributors divided into classes, and a certain amount fixed upon each class?

4th. Were they distributed into classes by the officers of Government, or was it done amongst themselves?

3d and 4th. The assessment was in some instances levied on castes, and a certain amount fixed on the caste which was divided amongst themselves. I never heard of the castes being subdivided into classes.

5th. If the tax had reference to the condition of individuals, what steps were taken to ascertain it?

5th. The only information that would have been gained, and that not satisfactorily, would have been by ascertaining from the custom records the amount of import and export trade of certain individuals. But as the customs are rented, and the contractors averse to exhibiting their accounts in detail, which, I believe, even would not have afforded this information, the Collector has been obliged to refer to Zemindars and to former records.

6th. What are the principal sources of profit and income to respectable Sahookars?

6th. Purchase and sale of the produce of the district.

7th. What is the highest, and what the lowest account of tax paid by individuals of this and the mercantile profession within your collectorate?

7th. Sahookars pay no mohturfa taxes.

8th. The same information is desired respecting merchants who deal principally in cloth.

8th. The highest rates are fifty or sixty rupees annually. The lowest two rupees.

9th. Ditto in grain.

9th. One hundred rupees the highest, two rupees the lowest annually.

10th. Ditto of all other dealers in articles of trade.

10th. Twenty rupees to two rupees annually.

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Question.	*Answer.*
11th. Of silk and cloth weavers.	11th. From fifty and sixty to one rupee annually.
12th. Of Zeengurs, or cabinet-makers, of persons who let out cattle to hire, of tailors, and other professional classes.	12th. From ten or fifteen to one rupee annually.
13th. What is the present mode of regulating these taxes?	13th. Reference to former rates, and capability of the dealer to pay.

14th. What are the defects of the system?

14th. The main defect of the system is, that there is no rule to guide the Collector in his assessment; he is unable to do justice either to Government or to the individuals, and the plea of poverty and inability to pay, if once admitted, would lead to an incalculable defalcation of the revenue.

15th. What rates would you suggest for defining the amount of the tax to be paid, so that it may in some degree be proportionate to income?

15th. Sahookars and wholesale merchants pay no mohturfa; it is the retail dealer only that is taxed: the tax seems to fall exclusively on the poor and industrious Jagheerdars. Enamdars, and wealthy traders appear wholly exempted from taxes, excepting such as they contribute to pay by the purchase of articles which have formerly paid revenue. I conceive licenses on shops, subdued into classes, by the shopkeepers and Zemindars themselves, and taxes on machines, would be the most equitable mode of raising the mohturfa, and I have little doubt of its proving an extensive source of revenue, collected without trouble or without murmuring. But of all sources of revenue least burthensome to the people, because only borne by the opulent, are stamp duties, *ad valorem*, on all sorts of manufactures.

Miscellaneous Queries.

1st. What is the extent to which slavery is prevalent, and the customs observed regarding it?	1st. The extent of slavery depends much on the state of the neighbouring districts. In fusly 1229, a famine prevailed to the westward, and from 150 to 200 slaves were brought into Candeish.
2d. How far recognized by local usage?	2d. It is usually adopted and recognized every where.

3d. In what respect is the domestic different from the external or foreign trade?

3d. It is considered disreputable to sell a slave. They are purchased from Bunjarries and other travelling merchants, as children, and it is said they are frequently stolen. If they turn out well, they are treated as favourite domestics, if not as children, by their masters: if they turn out vicious, they are, for the most part, discharged. This applies, however, only to persons of the upper class. The lower classes treat themequally well with their domestics and children, but not unfrequently sell them again; generally speaking, they are treated by their masters with affection and kindness. It is not unusual for the lower classes to marry their female slaves; but their children are not considered of pure blood till the third generation. Children born of slaves are not considered as slaves.

4th. Assuming it to be necessary to allow mothers to dispose of their children in times of famine, what checks would you impose on the abuse of the practice?

4th. Admitting the practice of allowing individuals to purchase children, no rule occurs to me but that of compelling persons who have purchased children of their masters, to restore and liberate them, on their ransoming them within three years, at double the original price. All persons now in slavery might be registered in the districts, and no others sold, but under the signature

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Answer.

nature and registry of the Collector. All persons not registered within a certain period to be considered free, and the master to have no claims for recovery if they should leave him.

Question.	*Answer.*
5th. Would it be consistent with former usage to emancipate the slave, when he or she become of age?	5th. It would be inconsistent with usage to emancipate them when they are of an age to repay by service what has been expended on them when they were incapable of labouring.

1st. Was the sanction necessary to successions or adoptions?	1st. Successions of children to their patrimony did not require sanction; but the sanction of Government was required for the adoption of children when any property was pending.
2d. Is the practice kept up?	2d. The practice has not been much attended to: Gopaul Rao Rajah Behadur intimated to me, in a letter, his intention of adopting an heir on the death of his only two sons, of the cholera morbus last year.
3d. What nuzzerana was paid to Government on adoption or succession, or what fines in the shape of reliefs for renewal of jagheers, or other grants?	3d. This depended on the agreement made with Government at the time.

1st. Is cotton cultivated, and to what extent, in your districts?	1st. Cotton is cultivated; but, until grain becomes cheaper, there will be little produced.
2d. Is there any import of the article from the districts?	2d. A trade is driven from Born through Candeish to the westward, but none is exported at present.
3d. What is the usual price per candy of 500 pounds?	3d. It now sells at 200 rupees per candy of 500 pounds.
4th. What is the time of sowing and plucking, and what the usual mode of cultivation?	4th. It is sown in July, and plucked in all November and December.
5th. Is the soil of the district generally calculated for the growth of cotton?	5th. About half the soil of Candeish is capable of producing cotton.
6th. What is the rent of land capable of producing cotton?	6th. From two to three rupees per beegah.
7th. What is the aggregate of the expense of the cultivation of cotton?	7th. The expense, including what is paid to the Huckdar, for the cultivation of twenty-six beegahs of cotton, is estimated to be Rupees 74. 11. 0.
8th. If the soil be favourable to the growth of cotton, what is the best mode of encouraging and extending its cultivation?	8th. By granting favourable rents to the cultivators, and by creating a demand for its produce.

1st. Are boundary disputes frequent?	1st. They are not unfrequent; but, in consequence of the general devastation and quantity of waste land, they are not much brought forward at present.
2d. What is your mode of settling them?	2d. I find no other mode answer but going myself to the spot, calling on all the surrounding Potails, and deciding according to circumstances.

3d.

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Question.	*Answer.*
3d. What is the number of Asham or Sebundies kept up for forts or military purposes?	3d. Eight Subadars, eight Jemadars, eighty Duftudars, eight Carcoons, and 800 Sebundies; composing a battalion under the command of Lieutenant Shaw.
4th. What is the number of mehaul Sebundies or Peons attached to each talook for revenue or police purposes?	4th. There are in the mehauls for revenue and police purposes, seventeen Jemadars, seventy-three Duftudars, and 1,420 men, including 140 Hurcarrahs and 251 Bheel Sebundies.
5th. What is the number of Shetsundees, or village militia, who hold service lands?	5th. There are no Shetsundee, or village militia, generally speaking.
6th. Would it be politic to establish the use of stamps in judicial and other proceedings, or do you consider it better to defer the measure at present?	6th. On the subject of stamps generally, I am of opinion that a considerable revenue might be raised by their introduction in deeds of sale, and transfer, in bonds, &c. &c. &c., according to the value of the property. An equalization of weights and measures should take place, all of which should be stampt; and I conceive that no delay should take place in establishing a system which promises to yield a considerable increase to the revenue, derivable from persons willing and able to contribute to it.

Abkarry, &c.

1st. What is the revenue derived from the Abkarry branch?	1st. In 1230, Rupees 38,800.
2d. Is the privilege of village spirits, toddy, &c. rented, or otherwise?	2d. It is every where rented.
3d. If rented, are the licenses for whole divisions, or for single shops or stills?	3d. For whole divisions.
4th. Is the number of shops and stills limited?	4th. It is limited to the places where it was formerly sold.
5th. Are the prices fixed, or any other restrictions imposed on the sale?	5th. The prices are not fixed. The principal restrictions regard the sale to the troops, and are as follows: The taking away of more than one seer at a time from the shops; the prohibition of receiving grain or ornament for liquor; the prohibition of keeping shops open at any other hours than between ten A. M. and eight o'clock in the evening.
6th. Under what restrictions was this branch conducted under the old Government?	6th. No revenue was raised from the Abkarry, the sale of spirituous liquors was forbidden, and drinking was punished by fine or stripes. It was partially permitted in Bajee Rao's time, and in Candeish the manufacture and sale seem to have been the exclusive privilege and benefit of Potails and Zemindars.
7th. What changes have taken place since the conquest?	7th. It has been rented for the benefit of Government.
8th. Are licenses issued for the exclusive privilege of collecting fines for transgression of the rules of particular castes?	8th. No such custom has ever prevailed that I am aware of in this country?
9th. For the exclusive privilege of selling tobacco, ganjam, bhaug, beetle-leaf?	9th. There are no restrictions on the sale, or licenses taken.
10th. Or for any other monopolies?	10th. There are no monopolies excepting on the sale of opium.

11th.

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Question.	*Answer.*
11th. Specify each branch of this [illegible] be included in your jummabundy, explaining the rules and principles on which each is conducted and administered?	11th. There are none.

Customs.

Question.	*Answer.*
1st. State the number of custom chowkees or stations in your range, distinguishing those which are established more especially for collecting duties on the foreign trade (by the ooblea oargh) from the home trade stations?	1st. Two hundred and seventy-six houses. They are established for ooblea margh (transit trade), arwa margh (internal trade), thull bhureet (export trade), and thull more (import trade), according to circumstances.
2d. Explain the principles on which duties are levied, the general course or direction of the foreign trade, and state the articles of which it is chiefly composed.	2d to 7th. The rates on each article have been shown in my Custom Report, dated October 1820. Cloth and cotton are brought from Berar, horned cattle and opium from Malwa, salt and drugs from the Western Coast, and grain is either exported or imported, according to its scarcity in the adjacent countries.
3d. The cause of the home or internal trade (udh margh) must be explained, with the same details.	
4th. The duties on export from one town to another (stul bhureet) must be exhibited, with similar particulars.	
5th. The same information is required with regard to the duties on importation, on consumption in town (stul mhod).	
6th. And with respect to the duties leviable on cattle of all kinds (sing singolee).	
7th. Together with any other information respecting any other items of the Custom revenue which may appear to require explanation.	
8th. Are the customs now levied according to the practice of the old Government, or have any changes been introduced? Explain any innovation, and shew whether it be favourable to trade or otherwise.	8th. No changes whatever have been introduced.
9th. What pecuniary stipends (nemnook) are allowed to Zemindars out of the custom revenue? State the amount and the mode in which they are paid; also any allowances from this source to temples and mosques. If any collections are made by Zemindars, Potails, and Koolkurnees, &c. from this branch, which are not entered in the accounts of the Customs, explain what they are.	9th. In some villages there are trifling hucks of Potails, called veswa, but the system is not general. The amount of all extraneous demands on the Customs of Candeish was twelve and a-half per cent. in 1229.
10th. An account is required of the produce of the Customs of 1229, on each article upon which duties are levied, agreeably to the abstract form lately transmitted to you; also of the imports from foreign territories, and from the Company's old provinces adjoining the frontier of the new territory, specifying the description of articles which, agreeably to the Custom regulations there, having once paid the duty are not liable to further impost. The nature and estimated value of both the imports and exports, and the amount of duties and fees levied, are required to be separately shewn, distinguishing that portion of trade which belongs to the internal from the external commerce.	(No answer.)

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Question.	*Answer.*
11th. State generally the advantages and defects of the present mode of administering the Custom revenue, and the influence which the pressure of duties and the multiplicity of exactions have upon trade, manufactures, and agriculture; state also any advantages which you may conceive the farming system to possess over the aumany scheme of management.	11th. The present mode appears to be favourable to the trader. The multiplicity of exactions does not press hard upon the merchants, as the chowkies are usually at halting places. I conceive the customs on grain to be extremely oppressive in a poor country like Candeish, and that by raisingthe price of food and labour, it indirectly checks manufactures and trad e. The duties on articles of luxury and foreign

importation are light. The mode of raising the Customs by small payments at each chowkie is certainly convenient to the merchants, but I conceive it would never answer to adopt this system if taken in hand by Government. In this event, it would be advisable to tax the articles of manufacture on the spot where they are produced, instead of levying duties on internal trade, and to establish a few chowkies for the frontiers, and goods liable to heavy penalties, or confiscation in case of smuggling. The subject is, however, too large for any individual, without the most ample materials and great experience, to treat on. (*Sic orig.*)

(Signed) J. BRIGGS,
Political Agent in Candeish.

J. BRIGGS, Esq., *to the* COMMISSIONER *at* POONA,

Dated 30th December 1822.

Mr. J. Briggs, 30 Dec. 1822.

SIR

1. I have had the honour to receive your circular letter on revenue subjects, supplemental to the queries which were previously sent for me to answer; the replies to which must have already reached you.

2 When I arrived in Candeish, I found the district Zemindars possessed of unlimited powers; they had been the agents of extortion made use of by all the plunderers, of whom no less than 181 independent leaders are stated to have desolated this country within the period of twenty years preceding our rule. On these occasions they acted the double part of representatives of the inhabitants and agents of the assessors. On the one hand, they assured the former that they had been the means of alleviating the imposition required, and convincing the latter that they had persuaded the Ryots to pay their utmost farthing, and that nothing remained: they were consequently courted by both parties; and while they obtained largesses beyond their hereditary rights, from those who acted as agents of the powerful, they represented to the villagers the value of their services in endeavouring to screen them, and procured extra assessments, plough or per beegah, from the starving cultivators. (*Sic orig.*) As the Daismooks and Daispandees were the agents of freebooter chieftains, or revenue contractors (which were nearly on a par), so the Potails or Koolkurnees were their agents with the Ryots, and acted towards them the very same part: for where the district Zemindars consented to raise a certain sum, and collected the village Potails together to bear the burthen, the latter on their return to their homes represented the efforts they had made to procure the lightest share possible to fall on the village, and that this object had not been obtained before a private donation to the district Zemindars had been agreed to. The Potails were by no means disinterested in procuring the smallest possible assessment to be made, as the lighter the public demand, the greater room remained for private emolument.

3. The Ryots in their turn had to bear or evade the burthen in the best way they could; but as it was almost impossible to conceal the extent and nature of their cultivation entirely from the vigilance of the Potail and Koolkurnee, they borrowed money from the village Sahookar or even Potail, to be repaid in grain. They refused to cultivate unless their lands were granted on favourable terms,

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terms, and thus rendered themselves important by being the debtors and the tenants of their superiors, who were dependent on the extent of their labour, and borrowed capital for the sources of their own profits: add to this, that an absence of all moral obligations pervaded the whole community.

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4. The annual revenue settlements were invariably conducted through the district Zemindars. The jummabundy settlement denominated the eyn, or actual fixed assessment, was made to the amount of about half what it was intended by the agent of Government to raise; and the Ryots were deceived by the false idea that every thing paid beyond that must be considered as a temporary exaction, to which they were persuaded to assent for the present year; and these sums, for the most part, were expended in the administration of the Government control. Besides the eyn jumma and the puttees going direct to the Mamlutdar, were various others denominated swaee jumma, usually consisting of fines or licenses, and not confined to the cultivators. One tax, however, denominated havildarry, paid in some parts in kind and in others in specie, was raised and disbursed for the purpose of maintaining persons to prevent the crops being removed from the threshing floors before ample security was found for the payment of the revenue. This at length became a regular part of the Government tax, and the Havildar kept for the purpose above stated in each village was supported by the inhabitants alone. In many districts the tax and the office were publicly sold to the highest bidder.

5. Hitherto the demands of Government only have been exhibited; the sums raised on account of village expenses formed no portion of the regular assessments, nor (except under the best administration, such as had not existed within the last twenty years, at least, when we came into the country) were they ever looked into. This item was the grand source of emolument to the district and village Zemindars, and within the period of anarchy (as it is emphatically termed) seldom amounted to less than fifty per cent., and frequently to double, and even treble the acknowledged Government demands.

6. This was the system of village Government as I found it, and it is evident that it could only be continued where the Collector was satisfied to remain content with the testimony of the Zemindars, who upon every occasion threw obstacles in the way of all sorts of information. They not only withheld their own papers, but urged the village officers to conceal theirs. No complete documents exhibiting the actual extent and condition of the land were forthcoming, and such as were produced, were found on actual measurement to be false; and it was candidly confessed at the time, that the lands now cultivated had neither been measured nor assessed individually for ages. The obstacles to the introduction of a system, therefore, so novel as the present, and which aimed at the root of peculation and fraud, the great sources of the emoluments of the Zemindars, were by no means trifling. Fortunately, however, the cultivators, and even the village Potails, soon began to discover that, by the adoption of a Ryotwar settlement, they should at all events be relieved from the direct oppression of the district Zemindars, a delivery which they have since experienced, and now, I believe, fully appreciate.

7. The whole cultivated land was accordingly measured in 1818-19 by the Shaikdars, and the revenue settlement made on an average taken of the ten years preceding, including all payments that could be discovered to have been made, and the name of every cultivator, with the quantity of his land entered on each village settlement. Out of this was deducted the roossooms of the district Zemindars, the amount allowed for the expense of the village, the pauchatra of the Potails, &c. &c., and a sum of four per cent. on the whole land revenue, to cover the casual extra expenses of the village.

8. The assessment of the havildarry formed an additional land-tax, and in some instances an extra levy of one anna per beegah, equal to about two or two and a half per cent., was raised by the Koolkurnee, under the head of Newesindgy.

9. A foundation of a revenue survey was thus laid in 1818-19, and in the following year, 1819-20, a more minute examination was ordered; but the expeditions against the Bheels, the trial of Luckmor Rao, and the feuds in my cutcherry,

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cutcherry, prevented my entering on the jummabundy till the middle of March, when it was too late to do any thing that year beyond completing it on the principles of the former year, with the addition of giving to each Ryot a pottah, stating the whole amount to be paid.

10. In 1820-21 my absence till the middle of February enabled me only to go into a very minute detail of the village administration of the districts to the eastward of Dhoolia; and by comparing the Potails of the former year with the statements of the Ryots of many villages in several pergunnahs, and confronting them with the Potails and Koolkurnees, I was enabled to discover, I believe pretty accurately, the state of the system that till then even obtained. (Sic orig.) All unauthorized sums which had been realized were repaid in my presence to the cultivators, and most of the delinquents were removed, on bail, to Dhoolia for a whole year, and deprived of the privilege of again exercising the duties of Karbaree, Potail, or Koolkurnee, still, however, enjoying their hereditary portions of their wuttuns. The Zemindars of Talneir, Rawere, Bodwu, and Jamnere, were also removed to Dhoolia; and as there was no necessity for their services in the pergunnahs, I prohibited all the Mamlutdars from employing them in any way whatever. This revolution has been gradually effected, but it has been sufficiently complete to leave nothing to desire as to the power of obtaining information on all subjects connected with revenue. This object has been now obtained, not perhaps without violence to the feelings of the Zemindars; but they have universally acknowledged that they have brought the evil on themselves. None of their avowed perquisites or emoluments have been interfered with, however, and I am of opinion that in the course of three or four years they may be restored to the exercise of their functions with benefit to the public service. The present system, as it now prevails, will, I believe, be found very satisfactory to the cultivators and to all classes but the Karbaree Potails and Zemindars, who have been deprived by us of the means of making fraudulent exactions.

11. Meerasses have undergone no change, nor do we interfere between them and their cultivators, unless their agreements are written.

12. It has been estimated that the village expenses, in the best times, were never less than twenty-five per cent. on the gross revenue; under our administration they have been as follows:

In 1228	15	per cent.
1229	12½	do.
1230	13	do.

This is inclusive of the huck roossooms of Zemindars, and village temples and anniversaries. A reduction, therefore, has taken place of from ten to twelve per cent. on the gross revenue, under the best administration.

13. Up to the present year, the mocassa and all other babs were deducted in the Keyrow bund, previously to fixing the fees of the Zemindars. In the present year the deductions, where they are not paid separately, have been considered unnecessarily troublesome, and an average of the roossooms of each pergunnah during the last three years has been struck and deducted in the gross. I have found all those persons having claims on the mokassa, &c. &c. unwilling to receive any reasonable compensation in lieu of their share; this reluctance has arisen, no doubt, from a notion that the country will gradually improve under our administration.

14. Preparatory to concluding the jummabundy the cultivated land of each village is measured, and if the inhabitants complain of the total loss of their crops from drought or blight, the Mamlutdar, in person usually, or otherwise through the agency of a confidential Carcoon, proceeds to the spot to ascertain the fact. Previous to my arrival he compares a comparative statement of the cultivated lands of this year with the last, exhibiting the balance, after deducting for lands abandoned, and then adding the amount for lands brought under cultivation, or whose rents have come to their full payment from graduated rates on waste. During this year all the land has been measured with a rod, and the soil has been dug, surveyed, and classed. The pergunnahs are all numbered; the villages of each pergunnah are also numbered, and the fields of each

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each village with its measurement, class of soil, rate of assessment, &c. are also numbered; but to give a more correct notion of this register, I do myself the honour of submitting a copy of a village thyrow bund for 1231, in English and Mahratta. This is prepared in the mehaul under the Mamlutdar; but the rate of assessment is filled up under my own inspection, comparing the amount of the present year with the last, and making such reductions, either to individuals or in favour of the village, as circumstances seem to demand. The size of the district has been considerably increased, and the salaries of the Mamlutdars; the amount however falls short of one and a half per cent. of the nett revenue. For the most part, the present Mamlutdars are tolerably well adapted for their offices as far as capacity, though there are some few among them and the Serishtadars regarding whom I shall address you at the termination of the jummabundy. Whenever any complaints are made against them, they are immediately investigated minutely, but they are not frequent. The chief complaint is their want of energy in the judicial duties: to which they reply, and with truth, I find, of the total disregard of the parties to their authority, who always insist on bringing their complaints to be settled personally by me or my Assistant. Fourteen Mamlutdars have at different times been dismissed for peculations and incapacity. Those now in office are all inhabitants of the Deccan (excepting one), and were employed under the Mahratta Government.

15. There are few persons who can be denominated "gentry of the country" in Candeish; but all such members of respectable families are treated with deference by me, and I have reason to believe they meet with every consideration by the public servants under me.

16. Either I or my Assistant visit each mamlutdaree, and in general each pergunnah, once at least annually; circumstances have led me to some more frequently. I have had the greatest difficulty hitherto in procuring district papers, and the village papers have been very imperfect, or at least such as have been exhibited. Within my own period of administration I have no difficulty, as I possess the means of knowing how much individuals ought to pay, and also how each item ought to be accounted for, and I find little hesitation now in Ryots stating pretty nearly the exact amount they have given. The ancient records of the Mogul Government, denominated mowagina, seem to be considered the most authentic that can be produced; they are either in possession of the district Zemindars, or with the Lur Kanongo, who resides at Souda, and who has in some instances, when they have been pertinaciously held back by Zemindars, produced them at my requisition. Subsequent accounts of the Peishwa's time are not frequently forthcoming.

17. With regard to alienated lands, my time has not hitherto admitted of my going into any regular investigation of them. This duty however forms one of the principal points of the present jummabundy, and no enam lands will henceforth be allowed but such as have undergone the scrutiny.

18. The ratio of the increase of the abkarry has been shewn, in reply to the Revenue queries formerly submitted. This increase I ascribe more to the cessation of the village stills established under Potails, where liquor was sold without a license, than to any additional propensity to drunkenness. It will hardly be credited when I say, that but one instance in four years has come within my observation of drunkenness (excepting among our own servants, and that was an under-renter of the abkarry revenue; nor have hardly any instances been brought to public notice in the course of my judicial and magisterial duties. The vice is chiefly confined to Bheels and Brinjarries, and the moment any other person is addicted to the practice he is instantly shunned by his relations and acquaintances, and must either make new associates or reform.

19. With regard to the condition of the Ryots, I conceive, since the general abundance of grain that every where prevails, it will be absolutely necessary to lower the present rates of assessment. The havildarry which has been included this year in the new assessment will, I trust, be relinquished at once; and if the increase on account of graduated assessments, which are annually falling in, were to be thrown into the scale of the land revenue, and remission on

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on the rates to be made equal to that sum year after year, no very great falling-off in the cultivation nor in the land revenue will perhaps ensue; but I feel convinced that unless a diminution takes place in some proportion to the value of land produce, that in the course of two or three years there must be a very serious falling-off in the revenue, arising out of the poverty of cultivators. Hitherto the district assessment had been regulated on no very intelligible fixed principle, and consequently emigrations from one to the other occasionally took place: that will now all find its level. The emigrations have been chiefly in the Jamnere and Bodwar pergunnahs, from Berar, and into the Sultanpore and Nundoorbar pergunnahs from Guzerat, whither they had previously fled for protection. My records exhibit 284,000 beegahs as newly laid open, and the present year in some pergunnahs exhibits considerable tracts newly cleared.

20. The reply to the first query embraces the present condition of the Dessayes, &c. &c. &c. Their registered emoluments are untouched. Their employment has for the present been laid aside, and with it in a great measure their influence. Their power is entirely destroyed, but their feelings and those of the Karbaree Potails towards the British Government are perhaps not positively inimical; yet they cannot but look back with regret to the opportunities they have now lost of enriching themselves at the expense of the lower classes. They have nothing justly to complain of, because all their avowed emoluments are paid to them through the Mamlutdars; but while, on the one hand, they are not subject to the caprice and harsh rigour of freebooters or needy revenue contractors, they are on the other hand effectually deprived of all power to oppress the people, and add by exactions to their ample hereditary rights.

21. In Candeish there are hardly any Sirdars of rank. As I am much in camp, and not encumbered consequently with furniture, I have made it a rule to give chairs and pain only to Vakeels and the members of families of Sirdars, whatever their present condition, which forms a marked distinction between them and persons, of whatever rank, coming on business, who sit on the ground without ceremony. It is difficult for me to say what impression has been made of our Government in Candeish; this information is more likely to be accurately obtained by other persons travelling in it, or from those who have resided in it, than from a public officer in my situation. I have no reason to think the opinion of our power has been in the slightest degree weakened, but I shall rather suppose it is confirmed, and I hope our administration is to the full as popular as at first: it can hardly be more so, for the whole mass of the population flocked with open arms to our standard wherever it was raised, and assisted in expelling those to whom they had so long been a prey.

22. In Candeish, almost the only Sahookars were those who advanced grain from crop to crop, and got ample returns; they also undertook to make good the revenue payments, for which they received a per-centage and good security besides. But these dealings were very safe; they were limited to what the eye could embrace, and consequently by our administration they were no losers of actual advances. Their trade, however, has been now turned into the channel of merchandize, instead of that of agency; they are no longer bankers, but grain-dealers, and in this line, as well as in speculations in the custom contracts, they look to emoluments. I have heard of no bankruptcies, and conclude therefore there is sufficient employ for their capital, which however is in general very small.

23. With regard to the Mootsuddies of the old Government, the greater part of those in public employ in Candeish were in that of the late Government. I have from thirty to fifty Oonsydwars, generally, following the cutcherry; but as they are almost all of them very young men, and have hardly ever been in service, they cannot complain of being thrown out of employ. The system of land-tax unfortunately does not hold out encouragement for persons to embark capital to cultivate land by servants as a livelihood; few but hereditary labourers and farmers make the attempt, and I may say none succeed when they do; while, in a population so poor, trade can offer but little advantage to adventurers.

24. Out of eighteen Mamlutdars, onfrom 100 to 150 rupees monthly, seventeen are Mahratta Brahmins of the Deccan; out of thirty-three Serishtadars on

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on fifty rupees, the whole are of the same class; and the same may be said of eighty-eight Gomastahs on twenty rupees, and 181 Sirdars on fifteen rupees monthly; and excepting Shree Nawas Rao, an inhabitant of the Madras Carnatic, I have not one person in my cutcherry who has not been at some time or other employed under the late Government. I am happy at having this opportunity of publicly doing away an erroneous impression that I believe has long prevailed, that the administration of Candeish has been, and continues to be, conducted through the agency of persons drawn from his Highness the Nizam's territories. This was much the case at first, and could not be avoided; but as I never lost sight of the evil, it was removed at as early a period as it could practically be effected.

25. The subject of maintaining the spirit of the native institutions is so large a question, that it is difficult for me to reply to it definitely. The original Hindoo institutions of district and village officers have not been interfered with but to remove oppressions. The setting aside the employment of the Zemindars has been considered in Candeish the first step to reform of every good Mamlutdar I have heard of. I have made it my duty always to consult the religious, and even national feelings of all classes with whom I have to deal, and I am of opinion that it has tended more to facilitate every measure I have attempted than any thing I could have done. For myself, I may be said to live amongst them, as my whole time is devoted to the transaction of business, and at least an hour daily is passed when in camp in an open spot in front of my tent, where I sit to listen to complaints, surrounded by hundreds of villagers, who come for amusement and curiosity rather than business.

26. I believe the number of foreigners to be much diminished: many hundreds of Carnatic Peons have gone off to their own country; the Arabs, Scindies, and Meywatees, and the Hindoostanees that remain, are generally in our own employ. Many of this latter class, who have been volunteers for desultory service for the last twenty years, always cultivated the land; they continue to do so, but they still remain, to the number of perhaps one or two thousand. They are orderly, good subjects, and have all families: they are, however, still available for service, to join any standard which offers them hopes of successful booty. The feeble attempt at insurrection last year, and the fact of three months having elapsed without the leader having actually gained over one individual of character, or of even raising one man in the very centre of the country where most of the Hindoostanees reside, is sufficient testimony of the impression of our power and vigilance, and of the caution with which such an undertaking would be set on foot.

27. Holkar Paga, called the Bara Bhay, said to have amounted to 5,000 horses on the day of the battle of Mahidpore, are reported to have come to this quarter. One of their chiefs resides, I believe, at Barecoond; and perhaps, on an emergency, there could be collected from 1,000 to 1,500 horses in all Candeish; but I consider this to be the utmost that could now be raised.

28. With regard to village debts, I have to remark that frequent applications are made on the subject, and the Mamlutdars are directed to assist the creditors in the recovery of those contracted by individuals. Where the demand is for advances of revenue of any long standing, on account of the whole village, they are deemed and pronounced irrecoverable; in many instances, however, advances have been made for the construction of wells, repairs of ghurries, and town walls; for the liquidation of which, Government lands have been alienated by Potails for a number of years. Whenever the documents and testimony are satisfactory, I have invariably confirmed their enjoyment till the expiration of the period.

29. I must apologize for the length to which this letter has been drawn out; but the subjects are altogether of so extensive a nature, and embrace such large questions, that I was unwilling to compress the replies, for fear of falling short of what was required.

I have, &c.

(Signed) J. BRIGGS,
Political Agent in Candeish.

H. POTTINGER, Esq. *to the* COMMISSIONER *in the* DECCAN,

(*No date.*)

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Mr. H. Pottinger, (No date.)

Deccan.

Sir:

1. I have the honour to acknowledge the receipt of your letter of the 22d ultimo, desiring information on various points connected with the Revenue department.

2. Previous to entering into the details now called for, I beg to apologize for the long period that has elapsed since the Queries transmitted in your despatch of the 4th April 1820 came to hand, and to assure you that the delay in replying to them has been unavoidable on my part. The fact is, I have had the materials (where it was requisite to collect them) ready these several months, but I found it impossible to arrange them whilst last at Ahmednuggur; and since I have been in the districts, I have found it requisite to let every thing lie over but the most pressing affairs. I trust, however, to be able to send the answers to you in the course of the month of May; sooner I cannot promise, with any certainty of being able to fulfil it.

3. From the experience I have acquired of the Mahratta system, as pursued during the most flourishing times of that Government, I believe the one which is now in force approaches as nearly as possible to it; and where trifling innovations have been introduced, I think they are for the better, inasmuch as they protect the Ryots without militating against the lawful and acknowledged authority of the Potails and other village and district functionaries.

4. To explain my ideas fully, however, it seems advisable in the first instance I should state what I conceive to have been the best Mahratta regulations on this point, which I shall accordingly do.

5. When the Camavisdar of a district moved out to commence on the jummabundy, he used to summon the Potails and Koolkurnees of a certain number of villages. Their accounts were carefully examined by himself and his attendant Carcoons, assisted by the Daismooks and Daispandees. The receipts of former years, where referred to the absence of old Ryots, whether from deaths or emigrations, was minutely scrutinized, as well as the causes of any change, whether it might be in increase or decrease in the revenue for the place.

6. As soon as all these points were satisfactorily ascertained, the pottah or lease of the village was drawn out and given to the Potail, from whom a koobooleat or written agreement was taken to pay the sum then fixed, and after this final arrangement the only interference of the Camavisdar or his Assistants with the village till the beginning of the next year, seems to have been, with regard to revenue matters, confined to the realization of the rents, a large portion of which was sometimes exacted in advance.

7. It is, however, to be added, that the Camavisdar, though he did not make the koolwar or individual settlement, was, if he did his duty well, ready to attend to complaints of Ryots who might be forced to pay too much; but, on the other hand, where cultivators failed to discharge their dues and absconded, the defalcation was very frequently divided out amongst the rest of the villagers; and this gave the Potail opportunities of befriending his relations, and indirectly oppressing those with whom he might be on bad terms.

8. We must also bear in mind that the first jummabundy arrangement was rendered comparatively simple to what it is at this time, by the fact that almost every village in the country paid its kumal or tunka, and it was therefore easy for each person to ascertain what his share of it was; besides, in those days the cultivators were, with hardly an exception, old residents of the village, and they were as well acquainted with its extent and resources as the Potail himself, and able to contend for and secure their own interests.

9. The variations from the above details which I have introduced, are, that the koolwar settlement is made either by myself or my Camavisdar, in conjunction with the Potails; that I never allow the rents of deceased or deserted Ryots to be levied in the village, except under my previously obtained sanction;

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sanction; that I have, from finding their only object was to mislead and to plunder both the Government and the cultivator, depended as much as I possibly could upon the assistance of the Daismooks and other hereditary Zemindars; that I have prohibited, under the severest penalties, any kind of assessment beyond the amount shewn in the Government accounts; that I have studied to give publicity to all my arrangements, by making no distinction in admitting the richest Potail or the poorest Koonbee into my cutcherry, when the jummabundy is going forward; and finally, that I have, in every case where a cultivator represented to me he was paying for more ground than he really tilled, had his land measured, and either made deductions in his rent or satisfied him he was not suffering an imposition.

10. I do not mean to assert that some of these rules were not in force in particular places under the Mahrattas, but they were certainly not carried to the extent they now are, and the satisfaction and confidence of the common Ryots is increased in proportion. Nor have the Potails any real cause for a contrary feeling: for though they are narrowly watched, their rights are strictly preserved to them, and the absence of all undefined exactions leaves them, as well as those who live under them, that enjoyment of the fruits of their labour which they perhaps never before experienced to the same degree.

11. All nuzzers, fees of office, durbar khurch, &c. are at an end; and those used to fall so heavy on the Potails and other village functionaries, that a release from them is perhaps more than an equivalent for the restrictions which have been imposed on their unauthorized demands. The great secret, however, of the approbation which our revenue system meets with from all is, that it is undeviatingly just towards every grade of the society, and that the oppressions and exactions of the farmers and Government officers for the last twenty years had prepared the minds of the population to view and receive our measures and regulations as gifts of the highest value. Had we succeeded to a benevolent and vigorous Government, the opinion entertained of us by our new subjects would of course not have been so high; but as affairs stand, there is one satisfactory assertion that I can most unequivocally make, which is, that every man in the country is now fully convinced we study to be liberal and to deal fairly; and even those who may have reason to repine at our strict impartiality, are ready to admit it is dictated by proper principles.

12. I do not think the smallest observable change has taken place about meerasses: but it seems probable, if any has done so, that they are depreciated in value; because the vast extent of waste land which lay uncultivated when we took possession of the country, afforded abundant food for agricultural speculation; and the real value of meerasses must, I conceive, remain unestablished till the population of the conquered territory is so increased as to be in some proportion equal to its extent.

13. I have known a very few instances of meeras fields being disposed of of late; but the buyers on these occasions were induced to make the purchases on account of some peculiar advantages attending the fields, such as having wells in them, or being easily irrigated by running streams, or being situated close to the village; for they might have had equally good land, excepting in some of the above points, on an istawa cowl for five or seven years, according to the time it had been untilled. I may, however, add, that such of the old Meerassadars, or their descendants, as remain in the pergunnahs, have evinced a laudable anxiety to regain possession of the fields they held on that tenure in former times, and I have of course encouraged this feeling as much as possible.

14. The village expenses have been, I believe, very considerably reduced, but it is not practicable to form even a conjecture of the amount, for there is no data to estimate what they were in old time. Besides the "gaum khurch" was not, as far as I can collect, allotted on any fixed principle, but seems to have been a round sum, regulated in most cases by the value of the village; nor was any account required, as is now the case, of the mode in which it was expended: it therefore formed a prominent source of the power and perhaps emoluments of the Potail, for Government never troubled itself on the subject after it was deducted from the total jummabundy.

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15. I have fixed it at six per cent. on the gross revenue of the village; but I am disposed to think this is, in instances where the receipts are great, too much, and in others it may be too little. It forms, however, an incentive of the village authorities to increase the cultivation, and consequently the receipts, and until the country reaches a comparative degree of opulence, I do not think it should be altered. It may then be regulated by a scale with reference to the value of the villages.

16. None of the taxes levied to pay the gaum khurch have been abolished or reduced, but it is not improbable that some trifling ones may have been secreted in the absence of proper accounts. These, however, are gradually coming to light through our investigations, and the same remark is applicable to the items composing the extra revenue.

17. In villages which are held entirely by Government, and which always have been so, the portions of revenue under Mahratta appellations do not appear to have been regularly entered in the accounts; but there are so few of this kind that they are hardly worth considering, and in all others the distinctions are carefully preserved. Even in those in which there are no shares, the smaller items of revenue are mentioned in the leases; but I am of opinion it would be very desirable that all these should be consolidated hereafter, and a revenue survey will afford a fit opportunity for so doing.

18. My mode of settlement is as follows: About a week before I expect to arrive in a district, I send orders to the Camavisdar to summon the Potails and Koolkurnees, and to obtain from them statements of the cultivation of their respective villages, which are made out according to a given form, and shew the increase and decrease of tilling, with the causes. These statements are submitted to me through my hoozzoor Serishtadars on my arrival, and such inquiries are set on foot, by deputing Carcoons to the different tarafs as may seem necessary to ascertain the truth of these returns. If they are found to be correct, the pottah, or lease, is prepared, and where any difference is discovered, alterations are introduced, and the Potails, &c. are occasionally fined or have their wuttuns temporarily sequestrated.

19. These investigations usually occupy eight or ten days; and longer I cannot spare to this portion of my duties in any camavisdarship. The Ryots of a certain number of the nearest villages are then brought in, and the koolwar settlement is made of them; after which the pottahs are given to the Potails and likewise to the individual cultivators in the public cutcherry, and the whole are then permitted to return to their homes. (*Sic orig.*)

20. Each Potail furnishes a kooboleat, binding himself to see the rent discharged, and each Ryot in like manner gives a ticket, on which his name is written and the amount he is to pay. In cases where the Camavisdars make the koolwar settlement, they first prepare the individual leases, and transmit them to me for my office seal to be affixed to them; after which they are sent back and distributed to the Ryots, whose "chits" are taken and forwarded to me, to be placed on the records.

21. I have not entrusted the making of the jummabundy to any one of the Camavisdars under me, nor do I consider them fit for such a trust: their salaries have been increased since my first arrangements, and in several instances the extent of their districts has been added to. My aim has been to give each of them about a lac of rupees annual nett revenue to collect, but, from unavoidable localities, this in some cases is exceeded and in others it is less. Of their integrity I can say little favourable, for I suspect them one and all to be rogues at heart, though I hope and believe that the dread of punishment, and the readiness with which complaints against them are attended to, combine to keep them in tolerable order; still they have many ways of benefiting beyond their salaries, which no exertion on my part can put a stop to: I allude to taking all the necessaries of life from the villages at which they halt, when they go round the districts, enrolling their private servants amongst the mehaul Sebundies, or their sons, nephews, and other relations amongst the Carcoons of their cutcherry. They also probably receive presents from all parties whose trifling causes they decide or arbitrate; but of course where these are made with the

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the free will of the donors, I never hear of it. I should think the camavisdarship of a district may perhaps be worth one-half more per month than the fixed salary, and some may exceed this. In the districts nearest to Ahmednuggur, they gain least from these undue sources, and the annual visits which my Assistants and I pay to the pergunnahs have tended greatly to destroy this corrupt procedure, even in the more distant districts.

22. Petitions against the Camavisdars are by no means frequent, but this I consider as no proof of their integrity or good conduct, whilst they are in office. After they have been dismissed is the best time to judge, and though bad my opinion is of them, I must confess I have been astonished at the few well-founded complaints I have received against any of them who have been removed. This, however, I fear may be in some measure ascribed to the positive fact, that they cannot peculate without the connivance, and even assistance, of the Zemindars and others who are residents in the districts, and who are consequently on the alert to prevent those who have been aggrieved from applying to me, lest they themselves should be implicated and punished.

23. The above is the worst view of the question, and on the other side I have to observe, that our scrutiny is greatly dreaded by our native servants; that no Ryot will now pay one rea beyond the just dues of Government unless he pleases, or unless he has some motive for putting the Camavisdars in a good humour, such as the prospect of obtaining an advantageous cowl, or buying that officer's voice with regard to recommending remissions. But even here our investigations interfere, and on the whole I am of opinion that when the state of the country with respect to cultivation shall have arrived at that pitch which will leave the Camavisdars less room for imposition, they must perforce become honest men: till then, I despair of their being such in the practical sense of the term; in theory perhaps they never will be so.

24. The memorandum annexed to this letter, will shew the number and names of Camavisdars who have been removed, and the reasons for it. Others have at times doubtless deserved the same punishment, but the difficulty and inconvenience of replacing them by strangers' regulations and customs, has frequently urged me to overlook minor faults.

25. The Camavisdars appear to me to behave very properly to the higher classes of the people: but I allow them to hold no official intercourse with them, except it is regarding the payment or receipt of sharers of revenue, or to address them, where they require their assistance, on matters of police that will not admit of delay; all other correspondence with the Sirdars and Jagheerdars of rank is conducted under my own superintendence. The petty Jagheerdars, Enamdars, Potails, &c. always continue to keep on good terms with the Camavisdars for their own sakes, and the Brahmins of the country are such a servile, mean set, that they would pay court to a Mhar if he was placed in authority.

26. Each of the camavisdarships have been visited four times (including this season), either by myself or my Assistant, for the purpose of making the jummabundy, besides which we have made occasional trips to some of them on business or pleasure. When I go into a district I attend exclusively during my halt there (unless in instances where delay would be improper) to the complaints and arrangements of it, and this I find a most excellent plan; nor do the Ryots suffer inconvenience thereby, for they have all become acquainted with my system, and do not follow me about the country, but wait patiently till I arrive at the town where the settlement of the district in which they reside is to be made. When I am at Ahmednuggur, of course, people from all quarters are received without distinction.

27. I have found the utmost difficulty in procuring authentic accounts, but this I really believe arises from there not being such in the country. The total depopulation of the greater part of the Deccan, owing to the great famine of 1803-4, and the destruction caused by the armies of Holkar and Scindia, combined with various rebellions, have hardly left a village in the districts under me which was not at one time or other deserted, plundered, or burned. The Zemindars and Potails, even where they had preserved some scraps (for none have a regular series) of old accounts, were at first very backward in producing

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producing them; but latterly, as they saw our actions agreed with our declarations, they have not hesitated to shew them.

28. With respect to unauthorized alienations, a great deal of trouble has been taken to detect them, and many have been found out and brought to the account of Government. It is very likely, however, many are still enjoyed; but every season decreases the number, and, considering the facilities which the absence of regular accounts afforded to impositions of this nature being practised, I look upon it they are, comparatively speaking, extremely trifling.

29. The abkarry revenue in the districts under me has rather increased than otherwise, and had I permitted the establishment of new shops in villages where they were not allowed by the Peishwa, it would have done so very considerably; but I look on it, and it likewise accords with my instructions, to be a great object in restraining the sale of spirituous liquors, which renders the vice of drunkenness so rare amongst the people, and has unquestionably the most beneficial effects on the habits and morals of society.

30. I have no means of ascertaining whether the consumption of liquors in the bazaars of our camps has fallen off or not; but I shall conjecture it had not, owing to my arrangements for suppressing shops in the villages. I have invariably observed, that those classes who are addicted to drinking, are chiefly men and women who have followed a camp in the professions of bullock-drivers, lascars, coolies, &c.

31. The general condition of the Ryots is beyond all question greatly ameliorated of late, and there is an universal tone of satisfaction and thankfulness for the change amongst those classes who were the greatest sufferers by the Mahratta system. The Koonbees are gradually extricating themselves from the embarrassments which they had contracted, and the complaints against them from Soucars for debt are rapidly decreasing, which I attribute to the parties finding it expedient, and likewise advantageous to each other, to come to terms without an appeal to the Adawlut.

32. I established it as a rule when I came to Ahmednuggur, that all Ryots who chose to come and settle under us were to be allowed to do so, and to be treated in every respect as the old residents; nor could I sanction any kind of force being used to oblige them to return to their former habitations, but if they could be persuaded to go back, I made no objection. In a similar manner, I prohibited all attempts to detain any of our Ryots who wished to remove into the territories of other powers; but this was a mere nominal regulation, as I have heard of no instances of this having been the case.

33. The number of Ryots who flocked into our districts was at first very considerable, and this has not entirely ceased; but latterly, owing to the measures adopted in the Nizam's territories, it has been much checked, and even some of those who had settled under us have returned to their homes. We have also received a good many Ryots from Scindia's villages which are intermixed with ours, and as the officers of that Prince and his dependants do not appear to be inclined to follow our example in dealing with their subjects, the population of the Company's villages is still increasing from this source.

34. The extent to which waste land has been cultivated in the country now under me, since the establishment of our authority, is up to this day nearly five hundred thousand beegahs, and it is augmenting every month. In the two districts received from the Nizam last fusly, the quantity of ground already ploughed exceeds thirty thousand beegahs, and I am at present making arrangements for classing and fixing the rent of all that was formerly under cultivation, as well as that which has been recently tilled or remains to be so. On this subject I shall, however, have occasion to report to you in a separate despatch as soon as my measures are completed.

35. The Daismooks, Daispandees, and other district officers of those classes, have lost much of the influence and power which they possessed under the late Government, because they were the chief engines employed by the farmers of the revenue to carry their exactions on the Ryots into effect, and this gave them a hold on both parties, which is incompatible with our fair dealing

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dealing. As far as regards their just emoluments, they are full as well paid by us, and their hucks are increasing with the prosperity of the country. But it is nevertheless very probable they do not actually receive so much as they did during the latter twenty years of the Mahratta rule; for in that period, exclusive of their acknowledged rights, they had various means of obtaining money and kind from the Collectors, who were urged, either by fear of their power, or a wish to secure their interest with the Mamlutdars, to submit to their demands.

36. With this exception, I consider the Zemindars are perhaps better off than they were under Bajee Rao, as they were then, in their turn, subject to be called on to pay puttees and nuzzurs for a continuance of their wuttuns, and on other pretences; whereas they now have the satisfaction of feeling that, whatever their hucks may amount to, they are sure to get them without trouble, and to enjoy them in security. Of their disposition towards us I can only judge from their avowed sentiments, and they compel me to believe that this body of people are as well pleased with our authority as others.

37. Neither my Assistants nor myself have had much opportunity of keeping up a personal intercourse with the Sirdars of rank and the great Jagheerdars of the country; but I correspond a good deal with those who hold villages in the districts subject to me, on official points, and also with those who are not thus situated, on matters of courtesy, such as inviting me to weddings in their families, sending me tib at the sunkrat, &c. &c. &c.

38. I have no fixed days for receiving visitors of the higher order, partly because my time would not admit of that arrangement, and partly because the small number of them who reside near Ahmednuggur renders it unnecessary; but I am always happy to see them, and when they either come to my camp during my circuit, or happen to pass through Ahmednuggur, I always pay them every reasonable attention and civility. Many of them send Carcoons to me on business, or with messages of ceremony; and these men, as well as any of the better classes, I receive whenever they apply for an interview. All the lower classes of society have the fullest opportunity of seeing me twice a week at least, when I sit in the "tureead cutcherry," on which occasion I make it an undeviating rule to call every person before me who gives in a petition, however trifling the subject of it, and I am led to understand this system is peculiarly gratifying to their feelings.

39. The preceding observations render it almost superfluous for me to add, that our Government is highly respected, and liked by the natives in general; and I do not hesitate to say that these sentiments are increasing daily, as well as the awe of our authority, which is in my opinion tenfold what it was during the first year or two after the conquest. Indeed, this fact is very observable, and in no place has it been more strongly exemplified than in the districts lately received from the Nizam, which have been rapidly retrieved, by the very dread of our name, from a scene of anarchy and outrage, to one of the most perfect comparative security and good order.

40. I have not observed any decided difference in the situation of the Soucars, but I should suppose they are losers by the change of Government, especially those who made their livelihood by lending money to the Ryots and Jagheerdars, and of whose exigencies they used to take advantage to extort the most usurious interest, besides premium, and other gain under different appellations. These men no doubt ran considerable risk by this traffic, but if one-half their creditors paid they were secured from loss; and I have heard of instances where the whole of the crops of a district have been mortgaged to them before they were ripe, so that the Ryots were entirely at their mercy, even for food, throughout the year. Our method of allowing the cultivators to remove their crops whenever they are ready, and thereby enabling them to sell the produce to the highest bidder, has put a total stop to the forestalling of these usurers, and consequently it follows their profits are greatly diminished; but I am not of opinion this has gone to the extent of causing bankruptcy amongst them. I shall not, however, I must say, be sorry to find that some of them did emigrate, for they are (I here allude to the inferior classes) a set of rapacious, needy adventurers, who have lived by the

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the ruin of the Ryots. Indeed, without this, it is morally impossible this country, in its impoverished state, could have held forth sufficient to so many of them to stay in it as we still find here.

41. There are a great number of Mootsuddies and Carcoons of the old Government in our employ in this Collectorship, and I strive to give them the preference on all occasions of vacancies; but their inveterate habits of peculation and extortion often oblige me to dismiss and punish them. I do not think they have turned their thoughts much to agriculture, or at least not in their own names; but some of them have, I dare say, gone into partnership with cultivators. I have called on all the Camavisdars to furnish me with statements of their own, their Serishtadars', and Carcoons' former services, and I shall submit an abstract of them for your information as soon as practicable.

42. I have remarked, in the third paragraph of this report, that I look upon the revenue system now in force to approach as nearly as is desirable to the best that was ever known amongst the Mahrattas, and I may here further declare my conviction, that the natives are perfectly sensible our object has been, from the commencement, to retain all that was good in their institutions, and to make allowances for their peculiar habits and ways of thinking. These impressions are in fact a constant theme of their conversation, and the gratitude they express for the benevolent and wise policy which has been laid down for the government of the Deccan is loud, and, I firmly believe, sincere.

43. I have every reason to suppose that nearly all the unemployed soldiery who are inhabitants of this part of the Deccan have become cultivators; and I do not think it would be an easy matter to prevail on them to enter into any plans for disturbing the country, owing to the exaggerated (I may almost term it) idea they have of our strictness, and the rigour with which we should punish any such attempt. There may be a few exceptions amongst the ill-disposed to this salutary impression being universal: but on a recent occasion, when I had received information which led me to apprehend a partial rebellion (or rather the assemblage of a body of armed robbers), I made the most minute inquiries into the state of the public feeling amongst the soldiery of the country, and the result was sufficient to satisfy me of the general truth of what I state above.

44. The most of the Sebundies who have taken their discharges from our service were foreigners; that is, either Hindoostanees or men from the Nizam's and Nagpore territories, and they have all returned (or at least quitted Ahmednuggur with that avowed intention) to their homes. It is rather difficult to form a correct guess of the number of soldiers now unemployed in these provinces, because at least one-half of them are Potails and Koonbees: but I should suppose I am about the mark in calculating that the foot amount to 500 men, and the horse to 800. In this estimate, however, I beg to explain: I do not include those who are really cultivators, and who were induced by high wages and the prospect of plunder to turn soldiers under the late Government, as they appear to have already abandoned all the military ardour they had acquired.

45. On the subject of village debts I have but little to observe. Where they are of a very old date (exceeding twenty years) I have seldom given orders to the claimants for their recovery; and I apply the same rule when the lenders and borrowers are dead, and the lands have fallen into the hands of a third person. Many cases have also come to my notice where the lands had been obviously obtained through collusion between the Mamlutdars or their Carcoons and the Soucars; and in all these instances I have dismissed the suits, and rendered the documents null, by writing "rejected" on them.

46. When the debts appear reasonable and fair, I have usually directed the Camavisdars to call in the Potails, &c. to settle them by instalments; and I find this is sufficient to satisfy the applicants, whilst it does not distress the Ryots. But as the latter are now fully aware it is not a part of our system to abrogate these demands, they compromise them as they best can; and I have satisfaction in being able to inform you, that complaints of this nature have been, and are daily decreasing.

47. The

47. The general tenor of that report, as well as that of the 13th instant, on judicial and police affairs, is, in my estimation, so satisfactory, that I fear you may imagine I have represented every thing in the best point of view, and overlooked the drawbacks which might have been brought forward on the opposite side of the question; but I beg to assure you I have in both communications studied to bring to your notice matters as they really, according to my unbiassed judgment, exist; and I further trust you will ascribe it to no self-approbation of my own humble, though anxious endeavours, to fulfil the wishes and intentions of Government, if I conclude by declaring, that the state of these districts exceeds, in every desirable circumstance, all that my most sanguine expectations had formed a hope of seeing effected, in the time that has elapsed since I had the honour to be placed in charge of them.

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48. This I chiefly attribute to the system which has been acted on, and the liberal and conciliatory policy that has been authorized; but a portion of it is likewise, I am of opinion, to be placed to the natural quiet disposition of the great body of our new subjects; to the high opinion they had formed, even before they came under our authority, of our foresight and enlarged views; and to the abject state of poverty and degradation to which they had been, as a nation, reduced by the mismanagement of Bajee Rao and his officers.

I have, &c.
(Signed) HENRY POTTINGER.

H. POTTINGER, Esq. *to the* COMMISSIONER *in the* DECCAN, *Dated the* 31*st July* 1822.

SIR:

I have the honour to acknowledge the receipt of your several despatches noted in the margin,* and beg to transmit herewith replies to the different points adverted to in them.

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I have, &c.
(Signed) H. POTTINGER,
Collector.

Revenue.

Questions.	*Answers.*
1st. What is the estimated extent of your charge in miles?	1st. The greatest length of the collectorship is from Waun, in the north west, to Kurmulla in the south-east, which is about 260 miles; the breadth varies in different places, but it is in none less than ninety miles, and in some it exceeds 130: so that it may be estimated at an average of 110 miles, which makes the square extent of the whole 28,000 miles.
2d. What is the computed number of population: how many to a square mile?	2d. It is very difficult, owing to the possessions of Scindia, the Nizam, &c. mixed with ours, to form only a tolerably correct guess of the population, and this difficulty has been increased by the constant transfers of districts to and from my authority. By a census taken in 1821, the population of the immediate possessions of the British Government was found to be 453,260, and that of Scindia's, Holkar's, the Nizam's, &c. (within this zillah) was computed at 172,000, making a total of 625,260; but this did not include the wandering people, such as Bheels, Coolies, and Killaries or shepherds, &c.; and from the dislike that the Mussulmans and other castes had to answer any inquiries about the females of their families, and the apprehension which all classes appear to have entertained that our object was to fix some kind of capitation tax, I consider the whole to be considerably under-rated; I therefore think if we take the population at 650,000 we shall be nearer the mark. By returns which I got

* 26th August and 4th November 1820, and 27th February and 28th May 1821.

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got in 1818 (drawn up by my Camavisdar, with the assistance of the Zemindars, &c.), the inhabitants of the districts then under me were computed to be about 800,000; since then the pranth of Joonur, and the pergunnah of Indapore have been made over to the Poona collectorate. Barsee, Pangaum, Panjree, Ratunjum, and Agulgaon have been attached to the sub-Collector of Colapore; and Umber, Ellora, &c. ceded to the Nizam; but in return for these two latter, I have received the pergunnahs of Kurmulla, Koorlee, &c., and a number of detached villages, which have probably as many people in them. If we therefore take the population at 650,000, it gives about twenty-three persons and a-half to each square mile.

Question.	*Answer.*
3d. State the gross and nett amount of the revenue of your charge.	3d. The gross revenue of this collectorship in fusly 1230 (A.D. 1820-21) was, including the tunkha,

Rupees	22,34,295	1	75
Remissions	1,38,903	1	19
	20,95,392	0	56
The village and district expenses to be deducted were	17,56,091	1	33
And the nett revenue, after the deduction of every expense (Collector and Assistants' salaries, charitable allowances on the revenue, &c.), was	14,07,027	0	92

4th. The amount of your charges on the revenue, excluding salaries to Collector and Assistants, and Asham or military Sebundies, which may be shewn separately.	4th. The charges on the collections (including balance) in fusly 1230, were about nine and three-quarters per cent. in the Revenue department, and nine and a-half in the Police. These did not include the salaries of the

Collector and his Assistants. In fusly 1231, the revenue charges amounted to....Rupees 1,77,984

Which was seven and a-quarter per cent. on the revenue, including balances. The expense of the police Sebundies in the same period was about.... 1,35,000

And the salaries of the Collector and his Assistants.... 58,200

Making a total of....Rupees 3,71,184

5th. The number of Government villages, and of territorial alienations in enam, jagheer, and mokassa; shewing the proportion which the total of them bears to the Government land according to the kumal or tunkha assessment, and exhibiting the proportion of waste to cultivated Circar land.	5th. The total number of Government villages were 1,963½ in fusly 1230, and of those alienated in different ways, 683½. The tunkha of the former is ..Rupees 2,966,462. 3. 25 And of the latter... 1,332,456. 3. 50 The proportion which alienations bear to the Circars' villages is, 45 rupees, 81 rupees per cent.

The quantity of Circar lands in cultivation in fusly 1230 was Beegahs 19,29,968½, 3¼pds, 4¼ biswas, and that lying waste at the same time was 17,53,206¼ beegahs, and 2¾ pauds, which makes the relative proportion of waste and cultivated ground as follows:

Cultivated ....Beegahs	100
Waste	91

6th. The number of talooks or camamlutdarries into which your district is divided?	6th and 7th. The number of camavisdarries in fusly 1230 were nineteen. These were composed of forty-

7th. five

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Question.	*Answer.*
7th. The average collections from each.	five pergunnahs and tarafs, and the average collections made from each camavisdarship was rather more than 81,000 rupees, not including the shares of umul paid to others, but collected by our Revenue servants.
8th. What balances of the settlement have occurred in your district in each year since we have had the government?	8th. About one-fifth of the settlement remains to be annually collected at the close of the official year of accounts. The balances due up to this day (30th April 1822) for former years are:

Fusly 1227	Rupees	0	0	
1228		0	0	
1229		0	0	
1230		800	3	91
1231		107,852	3	61
Land and revenue	Rupees	1,08,653	3	52
Fusly 1227	Rupees	0	0	
1228		0	0	
1229		0	0	
1230		66,662	1	59
1231		1,32,360	0	0
Customs or Zakauts	Rupees	1,99,022	1	59

The whole of this, with the exception of about 30,000 rupees of the Zakaut balances for fusly 1230, may be expected to be realized in the course of the ensuing months of May, June, and August.

9th. What have been the causes of failure?

9th. The balances that have occurred have arisen chiefly from the ravages of the epidemic, and a small proportion from the return of Ryots belonging to other parts of the country, or to the territories of foreign states, to their own homes. The failure of crops, accidents by fire, &c. have also sometimes compelled me to make remissions which are not shewn amongst the balances.

10th. What new tanks or water-courses have been made?

10th None of either have been made; there are some old ones requiring repairs, regarding which I shortly mean to address the Commissioner, as the villagers seem anxious to have them put in order, and are willing to agree to the stipulation proposed for the repayment of the advances they are to receive on this account.

11th. What regulations exist about tanks or water-courses, that is (so in the original) the account of any tank or channel, stating the rules about repairs, cleaning out channels, distributing the flow of water, and from what funds, and under whose superintendence all this is done?

11th. In the pergunnah of Sunnur, under this collectorship, and also in those of Chandore and Waun, a few small embankments, or bunds, have been built in former times, and there we find the grounds of villages (where the bunds are) divided into khasbundee beegahs, each containing a certain quantity of different kinds of soil, and each of these beegahs is entitled to a fixed allowance of water; but none of these works are of such magnitude as to have demanded the notice of Government since they were first erected, and the expense attending them was at that time secured by the increased assessment. Where these bunds have (as is almost universally the case) fallen into decay we find them totally neglected, as the Ryots cannot raise sufficient funds to repair them; but if Government shall be pleased to do so, they are (as already

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already stated) prepared to repay the amount in a given number of years. In the few instances where the water-courses still admit of a small flow of water, when they require to be cleaned out, the villagers concert amongst themselves, and do so by their own manual labour. The superintendence of this duty devolved (or rather should do so) on the Potail and Havildar (where there was one) of the village; and they should be looked after by the nearest Shaikdar or Carcoon, acting under instructions from the Camavisdar, to whom a report was regularly made.

Question. / *Answer.*

12th. Are tank repairs assessed upon enams or meeras lands, which as well as Government benefit by the repairs; if so, in what proportion is the amount regulated?

12th. I cannot discover from any source of inquiry that the expense of tank repairs was ever levied on enam and meeras lands: but it is generally believed this was the custom, and this supposition is corroborated by our finding that meeras and enam lands are assessed as highly as Government lands, in villages where water-courses did exist. The preceding replies will, however, have shewn that the system of tanks and water-courses may almost be said to be unknown in this collectorship, and the few remains of either that I have alluded to appear to have been made, originally, through the personal exertions of some acting and enterprizing Mamlutdar, and perhaps for his own private benefit.

13th. Are the enams of the Barra Bullooty exempted or not?

13th. See the preceding reply, which is applicable to this question.

14th. It is usual where the damages are trifling for the Ryots themselves to repair them, either by their own labours or by an assessment of grain for the purpose: is this a part of the conditions of the tenure on which they hold their land?

14th. This question has been already replied to in the 11th answer, and I have only in addition to observe, that I can hear of no such tenure as is here alluded to. I have known the villagers, when they wanted a well dug for water to drink, club amongst themselves and pay the expense. But this was considered so local a transaction, that it was not even reported to the Camavisdar; and it only came to my notice by the wuddarees (or people who were employed to blow up the stones) complaining that they had not been paid their full hire.

15th. Are regular returns of the cultivation sent to you at stated periods from each district?

15th. No regular periodical returns have been hitherto sent to the hoozzoor cutcherry; but when the Collector or his Assistants visit the districts for the purpose of making the jummabundy, the Camavisdars are obliged to produce a lownee putruck, or statement of cultivation, exhibiting the decrease and increase of each village, and assigning causes for them. If there appears any reason to doubt the correctness of the statement, the village lands are examined by Carcoons sent from the circuit cutcherry. I have this year given all the Shaikdars written instructions for their guidance, a copy and translation of which are herewith transmitted.

16th. Are quit rents levied by you in military bazars? If so, what are the rates at which they are collected from each class of bazar dealers?

16th. I have never interfered with dealers of military bazars in any way, except in my judicial capacity. I believe they pay no quit rent.

17th. What difficulties are experienced in the realization of the revenue?

17th. I have not met with any of importance. It is frequently requisite to write the Camavisdars strong injunctions, and even to stop their pay, and threaten them with dismissal, if they do not send in the revenue in proper time; but beyond this I have not had occasion to go. I anticipate much more trouble this season (fusly 1231) than I have ever before had on this subject, owing to the extreme cheapness of grain, and the consequent difficulty (almost amounting to an impossibility) the cultivator has in finding a sale for the produce of his land.

18th.

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Question.	*Answer.*
18th. Is distraint of property ever resorted to?	18th. In no case, since I have been at Ahmednuggur, has distraint been resorted to where the cultivator himself was present. One instance occurred this fusly 1231, where a Ryot absconded from his village with the balance of his rent unpaid; and as he had a large stock of cattle (for a Koonbee) which he left with his son, I ordered the Camavisdar to have as many of the bullocks sold as would discharge the Government dues. The Potails, &c. of the village bought in the cattle for the boy, and I understand the absentee has since returned to his house. Were I to oblige the Camavisdars to send in their full instalments at the given periods, I have no doubt but it would force the Ryots to sell their cattle; but by giving them a little time, it enables them to look about for a market for their grain, &c., and saves them from being impoverished, and eventually ruined, by the extortions of a rapacious and usurious Marwarry.
19th. Have the appropriations of lands to village temples and their ministers been continued?	19th. They have been continued, with perhaps one or two trifling exceptions, where there were not proper proofs brought forward of the validity of the grant.
20th. Have stipendiary allowances in any case been granted in lieu of land?	20th. No.
21st. What portion of the day is exclusively set apart to the public hearing of complaints? Are they received *vivâ voce*, or in writing?	21st. I allot two complete days in the week to this duty, and am further always ready to attend to complaints of immediate moment. The complaints are all received in writing, and explained verbally
22d. State generally the various sources from which the revenue is drawn.	22d. The three great sources of revenue are the land rent, sayer (including the mohturfa), and customs. I transmit a list of the items composing each of these principal divisions.
23d What was the original nature of the kumal rental? By whom was it instituted, and at what period of time?	23d. The kumal dhur was first introduced into the talookas subject to Ahmednuggur during the reign of Madhoo Rao Narrayan Peishwa, and about the fusly year 1179 (A.D. 1769). I have not been able, notwithstanding I have made the utmost search, to procure a single account of the period explanatory of the origin of the measure: but it is universally known to have been undertaken for the purpose of ascertaining the exact value of the soil, and the lightest rent it would bear, consistent with the prosperity of the country; and much pains are said to have been taken in the task of employing the most intelligent and upright officers of Government. The kumal rental has not been introduced up to the present day, in some of the pergunnahs within this collectorship; but it seems uncertain whether this proceeded from their being found to be already sufficiently highly assessed, or from some other cause. The Ryots of them of course assert the former cause, and from what I have seen of them I am disposed to believe they are right. The kumal dhur was, after having been tried for a short time, subsequently set aside in the pergunnah of Sunnur, and the khashbundy beegah re-introduced, because (as it is declared) the former was found not to bear equally on the soil; and I have been promised a copy (for the original is lost) of a takeed of Nana Furnaveese sanctioning this arrangement. Should I receive it, it will be transmitted with these replies: but I may here take the opportunity of once for all observing, that I cannot get old accounts relative to the districts under me. The 27th paragraph of my despatch of the 31st January last explained the cause of this

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this to have sprung from the total depopulation of the greater part of the Deccan, owing to the great famine of 1803-4, and the destruction caused by the armies of Holkar and Scindia, combined with various rebellions, which have hardly left a village in the districts under me that was not at one time or other deserted, plundered, or burned. This is a true statement; and as a proof of it I may add, that within these twenty years there were only two places (Sonaee and Hewrah) inhabited between Ahmednuggur and Aurungabad. From the preceding remarks it will be very evident that we have only one plan left for our management of this portion of our new conquests, and that is, to proceed with great caution in developing the resources of it; and should we at any time find we have made a false step, by over-assessment or hasty innovation, to retract it without hesitation.

Question.

24th The same information with regard to the tunkha rental.

Answer.

24th. The tunkha of the whole of the Deccan was first arranged and fixed by the celebrated Mullik Umber It was continued by various persons whose names are known by oral tradition; and we hear from the same authority, that vast labour and expense were taken and incurred in making surveys and classing the land. But if we cannot procure accounts of time so much more recent, it is almost superfluous to say that none are to be had of those times. The tunkha accounts which are now produced by the Zemindars, &c. are declared to be framed from information brought down from generation to generation; and referring to the scraps of the oldest of them that we have access to, they corroborate this assertion. Besides which, the extent of ground, as far as I have had in my power, by occasional measurement, to ascertain it, corresponds with what was fixed by the tunkha It is to be however observed, that the tunkha of many villages considerably exceeds the kumal, even where they are known to have been surveyed on fixing the latter; and this fact rather goes to disprove the common belief, that the whole country was carefully surveyed on the tunkha rental being established; for the difference is so great in some places, that it could not have arisen from a mistake. I send a table, shewing the tunkha and kumal of various villages, in which the former is the greatest.

As the subject of the query under reply is one of the first moment to a perfect knowledge of the revenue system of the Deccan, I have circulated a set of questions to the Zemindars of each talooka under me, and as soon as I get the whole of their answers I will report the result of their opinions and assertions.

25th. What are the different species of soil in your district? Specify their varieties, and the names by which they are designated in the native language, whether dry land, of the black, mixed, or red soil, or garden land watered from nullahs, or by machinery from wells, or paddy lands which are irrigated either by artificial means, or which depend solely on the monsoon rains? Assuming sixteen as the total, specify the proportions which each sort of land bears to the whole.

25th. The three grand divisions of the soil, are "kalee or black," "tambut or red," and "pandree or white;" the subdivisions of these are of course very numerous, and even the names of them vary in different parts of the country. I have prepared a table, with the assistance of some well-informed persons, which will show its varieties as far as they can be done on paper, and to that I beg to refer. I must however state that it nearly amounts to an utter impossibility to form a correct estimate of the proportions the soils bear to each other, and this table should therefore be only received as an approximation to the truth.

26th. State whether any survey has ever been made or not? If made, under what Government, and in what manner completed? In regard to the various

26th. I do not believe, from my investigations, that any universal survey of the lands or villages has ever been made, not even when the tunkha

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Question.	*Answer.*
various measures that are entered in the village accounts, such as the beegah, the tucka, the mhow, the chiggur, &c. &c. State whether they are measures of a specific quantity, or merely estimate: if the former specify the exact length of the rod or chain by which the measurement was ascertained. If they are merely estimated quantities, specify how the estimate was formed; and, in order that uniformity may be preserved, be particular in shewing how many square rods of five cubits and five clenched fists long go to a beegah of land.	ha rental was established, and certainly not at the period the kumaul was introduced. The "kathee" or measure of pauch hath pauch mothee, is the one most commonly in use, and the table in the appendix (E) which shows the number of those in all the quantities of ground under various designations in this collectorship as nearly as they can be fixed. In some places, however, the khashbundy beegah has been introduced; and there it is impossible to define the extent of each kind of ground, for it varies in portions, or (khashbundy beegahs) adjoining each other, according to the

nature of the soil itself. Thus our khashbundy beegah will consist of two beegahs of first kalee or black sort, three of the middle or second kalee, one of the third kind, two of the best sort of tambut or red, and so on till a part of each description is introduced, and the very next division (or beegah) will be found to differ in every one of its component parts.

27th. What are the different sorts of produce sown in the black, red, or mixed dry land soils, and what in the (*Sic orig.*) ...... or batty lands? How many seers of seed of each kind are required to sow a beegah of each sort of land, and what is the gross produce it returns? The medium of first, second, and third descriptions, may be taken as the average, and the produce exhibited in pucka seers of eighty rupees weight.	27th. I beg to refer to the table in the appendix marked E for a reply to this question, in which I have endeavoured to distinguish the different kinds of soil, with their produce, the quantity of seed they require, and the gross produce; but it is to be remarked, that in this country (beyond all others) the latter must always be subjected to great fluctuations from blights or accidents, which sometimes happen to the crops of one cultivator, whilst those of his neighbours escape.

The Indian farmer is not even so much exempted as one in England from mischances of this kind. There is the "hew," or cold, that shrivels up the leaves of the unformed grain, and prevents the head from appearing till it has rotted and turned black; the chickla or drops of rain adhering to the young joary and rotting the leaves; tambera, a blight that comes over wheat; babur, or a blight on grain, which prevents it flowering; daee, or sort of vapour that settles on fields, and destroys them in a night or two; besides mawa (small ants), hingay (worms), khapoorah (grasshoppers), &c. &c. to all of which the Koonbee is exposed; and it is these, more than the want of rain, which generally lead to the failure of the crops in a partial degree.

28th. What are the seasons of sowing and reaping the different crops? and, assuming 100 as the standard, specify the proportion which each sort of produce bears to the whole, agreeably to the enclosed form No. 1.	28th. The table required is transmitted as complete as I have been able to make it. The omissions will probably be supplied from some other district. (G.)
29th. With a view to form a judgment of what proportion of gross produce now goes to the Circar, to the expense of cultivation, to the maintenance of the Ryots' family, and what profit remains to him, state how many beegahs of black land can be brought under cultivation by a Ryot possessing eight bullocks, the gross produce	29th. I have the honour, in reply to the 29th, 31st, 32d, 33d, and 34th queries, to transmit tables HHHIKL, which have been drawn up with the utmost care by several different well-informed Carcoons, assisted by Potails and Koonbees of various villages, and which, I believe, may be depended on as tolerably correct. It

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Question.	*Answer.*
produce of the land, the charges of labour and other expenses of cultivation, the Government share of the produce, and the balance of profit remaining to the Ryot. In calculating the produce, take the average of the best, middling, and worst land; and in fixing the value, be guided by the average of the prices of the last twenty years, as far as they can be ascertained. The amount requires particular care and accuracy in its preparation, in order to guard against fallacious results; and as the proportions sometimes vary according as the Ryot is rich or poor, state the portion of the middle class.	It is, however, proper I should explain, that all classes declare the utter impossibility of fixing the points alluded to in this question with that precision which it demands. The crops of no two fields in the same village are hardly ever known to assimilate; indeed, those in portions of the same field often vary, owing to the most trifling undulation on the face of it, to partial blights, &c. Another and a chief obstacle to a perfect elucidation of the matter under discussion, is to be found in the utter ignorance and apathy of the Koonbees, and even the better classes of Potails, on such subjects. You may ask one hundred different people as to the produce of even one beegah of ground, and no two of them will agree; and with regard to the expenses of cultivation and other contingencies, they are still less able to give you information. The shares of the village officers and Bullooties are entirely dependent on the produce, and fluctuate with it; but it is usually supposed they amount to about five and a half or six portions out of sixteen, and the Government receives four and a half or five out of the remaining ten and a half. If, instead of sixteen, we assume one hundred shares, the proportions will be as follows:

Gross produce		100
Circar's share	$22\frac{1}{2}$	
Ryot's share	$77\frac{1}{2}$	
	100	
Shares of village and district officers to be deducted out of the Ryot's share	30	
	$47\frac{1}{2}$	
Expenses of cultivation, seed, and keeping up stock...	20	
	27	
Maintenance of family, consisting of a man and his wife and four children, two of whom are able to assist at the labour	20	
Saved	$7\frac{1}{2}$	

30th. You will also show if the Ryot has any other sources of profit besides the produce of his field.	30th. The Ryot had no sources of profit beyond the produce of his land, unless he or his wife or children hired themselves (when they had leisure from their agricultural pursuits) as labourers.
31st. The same account of a Ryot similarly situated, who cultivates either garden or batty land, or red or mixed dry land.	31st. *Vide* reply to the 29th query; also table I.
32d. If a Ryot similarly circumstanced, cultivates more than one or all of the different sorts of land, shew the proportions of each sort, and the produce and other particulars as above expressed?	32d. Ditto; ditto table HH.
33d. If he cultivates betel-nuts, sugar-cane, betel-leaf, and other of the superior articles of garden produce, state the quantity of seed required for one beegah, the total produce, the expenses of cultivation, the Government rent, and the balance of profit on each article.	33d. *Vide* reply to the 29th query; also table K.

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Question.	*Answer.*
34th. If the share of plantation or horticultural produce is different from that of other sorts of produce in consideration of the different expense of rearing them, you will be particular in stating the circumstances.	34th. *Vide* reply to the 29th query; also table L.
35th. You will also state whether the specific share of Government and of the Ryot varied in land newly reclaimed, or were the same as in land long cultivated. Did the shares of packaries, or strangers, differ from those of fixed residents?	35th. The shares differed in old ground and that newly reclaimed, because the latter was held on cowl; the shares of strangers and residents depended entirely on the terms fixed at the moment.
36th. What is the highest and what the lowest rent of a beegah of Government land of the black soil, consisting of twenty square rods of five haths five moothees to the beegah? The same information also in regard to the rent of other soils. You will besides show the highest and lowest rent of chalee land, as well as of soosthee and of meeras land?	36th. For a reply to this question, I beg to refer to the table marked M, which shews the rents of all sorts of land.
37th. Do the Ryots possess a private inheritable property in the land, with liberty to sell or mortgage it at pleasure? If such Meerassadars exist, do they include the whole body of the Ryots, or only a part of them, and what is the name by which they are called and their tenure designated? Shew what profit a Meerassadar derives from his land more than a Ryot who is not a Meerassadar; under what Government the meeras was first established; under what rules or circumstances, and how it has since been held: whether any sunnuds for such meerasses are extant; whether the purchase and sale of such land has ever taken place, and if so, for how many years' purchase-money. Should such sunnuds be procurable, some specimens to be forwarded, with a translation of their contents.	37th. Those Ryots who are Meerassadars can dispose of or mortgage their land when they like. At present such persons only include a part of the Ryots, and in these districts they are also designated "Thulkurries" and "Wuttundars:" but neither of these is so common as Meerassadar, and the last of them is more intended to signify "birth-place," than to bear any allusion to the tenure on which the soil is held. It is rather difficult to explain satisfactorily the advantages a Meerassadar holds over a Ryot who is not one. Indeed, as the latter frequently pays less rent, his would seem to be the most profitable tenure: but it is not so considered, and it therefore remains to be inquired in what the "Meerassadar's" profits consist. The Meerassadar from the certainty he feels that the land is his, is induced to go to expense in its improvement in good seasons, when he can afford to do so, and therefore he plants fruit-trees (mangoes, tamarinds, jacks, &c.), or others, the wood of which is adapted for implements of husbandry. He also digs wells, makes water-courses, &c., and transforms a portion of this meerassee into baghaet; and the conviction he has that if he does not himself reap the fruits of his labour, his son or family will, stimulates him to level the ground, to enclose it by hedges, to turn off any waters in the monsoon that might form into a nullah or rill, and to weed and clean it with great care. By these precautions he imperceptibly renders his "meerassee" of much greater value than the adjoining "ghutkool" lands, or those which have no particular master, and which are cultivated by "Ooprees," or tenants at will. In seasons of scarcity, a failure of rain, or other cause, the "Meerassadars'" lands are much more valuable than at other times, because they generally have wells in them, and can be tilled whilst the other grounds of the village lie fallow. They are also better manured, cleaned, and require less rain to produce a crop. It would seem, from the foregoing observations, that the

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Answer.

the profits of a "Meerassadar" above a common Ryot are merely the reward of his extra exertions, and this I firmly believe to be the cause in a pecuniary point of view; he, however, has many other advantages, such as the respect shewn to him in the village, where many of the Meerassadars are considered on a footing, very little (if at all) inferior to the Potail. They are consulted on every occasion that relates to the small community, of which they are members; their wives and children are always invited to weddings and other ceremonies, and they receive some offerings of acknowledged superiority, and are exempted from giving such to their fellow-villagers on certain occasions, which must be highly gratifying to their feelings; besides this, however poor and needy he may be, the security of a "Meerassadar" is much more readily accepted than that of the richest Ooprec; and if he has occasion to do so, he will be able to borrow money when the other would not obtain the loan of a rea. Another very important point in this country, in which the "Meerassadars" have a decided advantage over the "Ooprees," is the readiness with which they themselves or their children get married. It is a frequent observation amongst the natives, that a person in a palanquin will go to the house (to be married) of a "Meerassadar" who has not a seer of grain, and will pass that of an "Ooprec" who is wallowing in wealth.

The meerassee tenure has existed in this part of India (in common, I believe, with all others) from time immemorial; and when I have asked about the period of its establishment, I have been told I might as well inquire when the soil was made. I observe that Mr. Ellis, in his luminous replies on meerassee, states in a note, "the fact is, that the "thing (meerassee) existed in India when the lawgivers of the land wrote," and his authority is, in my humble judgment, quite definitive.

I send a few copies and translations of meeras pottahs, or documents relating to the sale or transfer of meeras lands, and from these, as well as the verbal opinions of different well-informed natives whom I have consulted, I should consider from four to five years' purchase-money about the rate at which they formerly sold.* At present, (as I stated in the 12th and 13th paragraphs of my despatch of the 31st January 1822,) I look upon the value of meerassee lands to be greatly lessened, after a long series of years of peace and freedom from epidemic.

38th. Are the sales and transfers of meeras land registered in any way, or any fee paid to Government on the transfer?

38th. The only register (if such it can be called) of the sale or transfer of meerassee lands, is the copy of the "meeras puttur," or deed of sale, which it is the duty of the Koolkurnee to preserve in his dufter. This paper is attested by the Barra Bullooty of the village, by the Potail, and sometimes by the Zemindars, and it must be written by the executive Koolkurnee of the season in which the transfer takes place. The proprietors (Meerassadars) of the surrounding fields are also frequently called on to attest the document; but no acknowledged fee can be demanded by any of the witnesses, or by the officers of Government, though of late, under the Mahrattas, it had become usual to exact something from the seller, in the form of a percentage on the purchase-money. The exaction, however, did not appear in any public account, nor did it ever reach the Circar's treasury. In addition to the copy of the meeras puttur preserved by the Koolkurnee, it was also usual to enter in the village accounts of that year the meeras field of such a one having been sold to such a one: but still the land retains for a long series of years the name of its former proprietor; and it is not till all remembrance of him and his ancestors is obliterated in the village,

* The purchase-money is calculated on the revenue payable to Government out of a vast number of deeds of sale which I have examined; I found none above seven, nor any under two years: from three and a half to five are the most common; I have given the average in the text. I shall submit shortly a table, showing the result of all the deeds I have procured.

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village, that the ground comes to be distinguished by the appellation of the new occupant. We also find, in all villages, that even the ghutkool lands (or those which are not held by Meerassadars) are known by the names of those who held them in former days in meerassee, and there cannot be a question but the whole country was at one time occupied under that tenure.

Question.	*Answer.*
39th. Is meeras land subject to the payment of hucks or other fees, whether it be cultivated or left waste?	39th. Only so long as the dues of Government are paid on it; and even then the Huckdars are content, if a part should be uncultivated, to receive less than their actual rights.
40th. Does the neglect to cultivate meeras impair the right or subject it to forfeiture?	40th. When a Meerassadar is unable from poverty, or any other cause (such as his absence on other occupations or duties), to cultivate his land, he

may still retain it in entire occupancy by paying the established rent of Government; but if he fails to do this, it is incumbent on the Potail or Government officers to look to its interest, and to entrust the waste land to another Ryot: still even this does not impair the old Meerassadar's tenure, and the land is designated ghutkool meerassee, however long it may be held by Ooprce or tenant at will. Instances have occurred where such lands have been sold by the Potail to other persons as meerassee, and the old Meerassadar having afterwards returned (or his descendants), he has been reinstated in his rights, or a satisfactory equivalent given in lieu of them.

The sale of ghutkool "lands" rests with the Potails, and all the villagers (that is, the "Wuttundars," and "Meerassadars"), and they are usually made for the general benefit of the community; for instance, to dig a well for water to drink, to erect a temple, to surround the village with a wall, to turn a nullah or running stream of water into village grounds, or perhaps to pay a debt incurred in a year of failure of crops, or on the occasion of some calamity befalling the village, such as thieves being traced into its bounds, and puttee being levied in consequence, or the inroad of a body of plunderers.

I should consider it highly advisable to encourage the sale of "ghutkool" lands, for it deducts nothing from the revenue, and it gives Government a firm hold on the purchaser; but at the same time such sales should always be, I conceive, effected under our cognizance, and the reasons for them fully explained and understood, else the village authorities might turn them to their own private advantage, and leave their village without this valuable source of public credit, to meet any future exigency. We may however wait till the population is in some proportion to the extent of territory, before we impose restrictions on the sale of "ghutkool" lands.

Although no defined rules are extant for limiting the period after which the meerassee tenure becomes impaired, it seems to be a generally received opinion, that should a Meerassadar and his descendants be absent from a village for a century after his lands have been sold in meerassee to another, he cannot reclaim them; I have not heard of any instance of this sort, and I merely state it as an admitted fact.

41st. Does the meeras tenure exist in all villages, or is it confined to a particular part of the country?	41st. It did exist in every village in the Deccan, and where it is not now found to do so, is solely to be ascribed to the ravages of war, famine, and oppression having depopulated the country.
42d. If so, how do you account for the circumstance?	42d. See the preceding reply.

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Question. — *Answer.*

43d. What is the proportion of Meerassadars in your district to tenants at will?

43d. The returns which I received from the Camavisdars, on a question similar to this, in the month of June 1821, shew that the proportion of Meerassadars and Wuttundars (see reply to query 37) to tenants at will, was one hundred and fifty to one hundred; or of Meerassadars alone, about ninety-three to one hundred "Ooprees."

44th. Are the Ryots particularly tenacious of their meeras lands?

44th. They are particularly so; and the Potails and Wuttundars of villages appear to be in an equal degree jealous of admitting any unfounded claims to the admission of Ryots to that tenure. Some instances have come before me where people have got leave to cultivate portions of the meeras of old families, (of their own surname), on condition that they proved within a certain time, they were descended from them, and having failed to do so, the villagers obliged them to quit the place or to cultivate as "Ooprees." It is probable this watchfulness of the Potails does not proceed from so worthy a motive as the prevention of future disputes; but the beneficial result is the same, whatever may be the impulse, and therefore I have always countenanced and supported a strict scrutiny into such applications.

From the foregoing answers, it will be obvious that I have studied to uphold the meerassee right, and impressed the policy as well as justice of doing so, on the natives employed under me; nor am I at this moment aware of a single instance in which it has been violated. Indeed, the Camavisdars are so well aware of its advantages to Government, that they are sometimes disposed to insist on including Ryots as Meerassadars who are really not such.

Where there is no merassee right, there does not, as far as I can collect, exist any tie that attaches particular individuals indissolubly to particular fields. Long proprietorship, even as an Ooprec, certainly gives a Ryot a prior claim to the use of the soil of his fields, and the natural bent of human feelings induces him to prefer them to any other; but if another man offers to become a purchaser as a Meerassadar, the Ooprec's claim is set aside unless he chooses to take the land at the same price.

I think I have now replied to all the points regarding meerassee, contained either in the queries framed at Poona, or those received subsequently from Madras, and I shall therefore proceed to the other questions. The paper in the appendix, marked N, will explain the tenures, where not already done so in these replies.

45th. What is the number of Ryots to whom you issue ryotwar pottahs?

45th. It has been my object to give every Ryot in the country a pottah; but of course it has been out of my power, or that of my Assistants, to do so in person, and the duty has therefore chiefly devolved on the Camavisdar, assisted by the Potail. The number of ryotwar pottahs issued by Mr. Crawford and myself in fusly 1230, and of those sent for our seal and signature from the talookas, was about 25,000.

46th. Are mochulkas exchanged, and do both specify the quantity and quality of land, and rates of payment?

46th. In reply to this question, it is perhaps the briefest and clearest mode to here transcribe the 18th, 19th, and 20th paragraphs of my letter of the 31st January 1822, which I accordingly do.

"18. My mode of settlement is as follows: About a week before I "expect to arrive at a district, I send orders to the Camavisdars to summon the Potails and Koolkurnees, and to obtain from them statements "of the cultivation of their respective villages, which are made out according to a given form, and shew the increase and decrease of tillage, with "the causes. These statements are submitted to me through my hoozoor Serishtadars on my arrival; and such inquiries are set on foot, by

"deputing

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deputing Carcoons to the different tarafs as may seem necessary to ascertain the truth of these returns. If they are found to be correct, the pottah, or lease, is prepared; and where any difference is discovered, the required alterations are introduced, and the Potails, &c. are occasionally fined, or have their wuttuns temporarily sequestrated.

" 19. These investigations usually occupy eight or ten days, and longer I cannot spare to this portion of my duties in any camavisdarship. The Ryots of a certain number of the nearest villages are then brought in, and the koolwar settlement is made with them, after which the pottahs are given to the Potails, and likewise to the individual cultivators in the public cutcherries, and the whole are then permitted to return to their homes.

" 20. Each Potail furnishes a kubooleeat, binding himself to see " the rent discharged, and each Ryot in like manner gives a ticket, on " which his name is written and the amount he is to pay. In cases " where the Camavisdars make the koolwar settlement, they first prepare " the individual leases, and transmit them to me for my official seal to " be affixed to them; after which they are sent back and distributed to " the Ryots, whose chits are taken, and forwarded to me to be placed on " the records."

Question.

47th. Amongst the different conditions under which the Ryots cultivate Circar land, such as the kutgoota, muckhta, goota, swasthee, ouste and cholee, the latter is generally stated to be a losing concern; if so, what are the reasons for its occupation, and for any restriction that may be resorted to by the Government officers, to prevent its being thrown up? What is the origin of the term cholee? Are the Ryots losses upon the cholee made up by the easy terms of the kutgotta by cultivating packaree land or enam land, or in what other manner? Shew the origin of the terms swasthee, and oostee used in some districts. If, like that of the cholee, the losses in one sort of land are compensated by the extra profits of other sorts of fields in the Ryots' occupation. Fully explain the circumstances.

Answer.

47th. I have not met with the term *cholee*, but I suspect it should have been copied *chalee*, and in that sense it signifies ground that pays the full rent, and is in the districts under me synonimous to soasthee or bhurkus, which latter is a phrase in common use in the purgunnah lately ceded to us by the Nizam. The origin of the word "soasthee" is not to be traced, though its signification is perfectly understood; nor have I ever heard of the word oostee (said to be used in some districts). I, however, suppose it is similar to ookhtee, which means a fixed rate, lower than the full rent, and is used in contradistinction to "soasthee," or a fixed rate, being the full rent. Both these are again to be distinguished from the "koolee," or istawa, the purport of which is, a progressively increasing rate for a given number of seasons; and as soon as "koolee" land arrives at its highest rent it becomes soasthee; and if it is held on for a series of years, is then appellated cholee.

It does not appear that the officers of Government could interfere to oblige Ryots to till cholee lands, and I have left them entire liberty on this head: but the Potails are aware that they must assign some good cause for any decrease in the revenue of their villages, and they perhaps had it in their power to serve those Ryots who cultivate cholee land, by granting favourable cowls, exempting them (with the concurrence of the other Wuttundars), from the payment of the full hucks; and these means, combined with persuasion, and above all, the feeling already alluded to of attachment to particular fields which a Ryot may be supposed to imbibe, are quite sufficient to account for the occupation of cholee land.

48th. To what description of land was the term sheree applied?

48th. The term sheree is applied to land cultivated either by the servants of Government or by a Ryot on account of the Circar. It is very frequently exempted from any payment to

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to the Potail and Koolkurnee of the village, but the hucks of the Bullooties are discharged from it, because they are supposed to do the same services for it as for any other portion of village lands.

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Question.

49th. Is that or any other land reserved by Government, and expressly placed under the management of the Potails or village officers on account of Government? If so, under what circumstances was it reserved, and how was it managed?

Answer.

49th. The sheree is considered to be of two kinds: first, land that was lying waste, and the original proprietor of which had disappeared; and, second, land about which such rancorous disputes had originated that they could not be settled. In both these cases, the Camavisdars took charge of the land, and had it cultivated on account of Government, which has now fallen into established custom; but the sheree is not (or rather should not) be entrusted to the management of the Potails or village officers.

The almost universal compact on which sheree land is cultivated is, that Government takes one-half of the nett produce after the payment of the Huckdars' dues, provided the land be zerayet; but if it is baghaet, the cultivator retains two-thirds of the nett produce, and the Government gets one.

50th. Is the Ryot at liberty to relinquish at pleasure the Government land in his occupation, or does this depend on the officers of Government? What was the former, and what is the present practice?

50th. All Ryots at will are at perfect liberty to throw up their ground if they please, that is, no force or authority is used towards them: but of course both the Camavisdar and Potail do what they can to satisfy any Koonbee who may suppose that he has (or really may have) cause for discontent. This principle I found it requisite to lay down the first year after I came here, because I constantly found, when a Ryot was inclined to be troublesome, or his crops did not come up to his expectations, he used to say he had been forced to cultivate his land, and on that score he conceived he had a claim to remissions. As soon, however, as it was left optional, I heard no more of such complaints, and I have never had further occasion to interfere on the subject, beyond taking care no Ryot who had thus abandoned his field should get a cowl, or pay less (even if he had moved to another village or pergunnah) than he would have done in his old place.

The Ryots who are either Meerassadars or who have taken cowls, are not allowed to throw up their land without my previously obtained sanction, but I have not as yet found persons of either of these classes disposed to do so.

From the inquiries I have made, I consider the plan I have adopted on this subject to be exactly what was in force during the best periods of the Mahrattas; but it is to be recollected that in those days the land was too valuable and scarce to be thrown up from any petty pique or annoyance.

51st. Whose province was it formerly to direct the cultivation, and how is it now managed? If the modern differs from the ancient practice, explain the circumstances, and shew whether the change is favourable to the Ryot or otherwise; whether there is any cause of interruption to the freedom of cultivation; whether any restraint is imposed upon a Ryot who possesses the means, but refuses to cultivate his usual fields; if such restraint is imposed, show in what manner.

51st. The task of directing the cultivation rested with the Potail, Koolkurnee, and perhaps the Havildar and Chowgulla (or assistant Potail). The two former could grant cowls; and in this respect their power has been retrenched by my having vested that authority in the hands of the Camavisdar, who must be applied to by the Ryot through the Potail. I look upon this restriction not only absolutely necessary in our system of management, (which needs some restraint as

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Question.	*Answer.*
ner. What was the custom observed in this respect under the former Government?	as a set-off against our generally mild sway,) as far as the interests of the Government are concerned, and likewise for the sake of regular information,

but also most beneficial to the people, amongst whom it prevents innumerable disputes; for no Potail can now assign ground to a Koonbee till the possible right of another to it is fully discussed: further than this, the old practice is scrupulously observed. The latter part of the question now under reply has been anticipated in the preceding answers.

52d. Into what umuls, babs, or shares, was the revenue of a village or district divided under the Mahratta Government, as chowth, mokassa, jagheers, &c.	52d. The annexed memorandum of the manner of dividing the revenue of the village of Mekhree, under the Camavisdar of Nuggur Havellee, explains the detail as was in force during the time of Nana Furnavesse.

The total of the land-rent, nugdee bab and sayer of the village of Mekhree, pergunnah Panday Pairgaow, having been ascertained, and the dhurwastan, dhurmadow, and other village expenses, including Huckdars and Bullooties, having been deducted, the following items of the balance are to be subtracted previous to the division of the umuls:

In the Land Rent:

1. Puzzur tazaee.
2. Annul furmaesh (salabad.)
3. Durbar khurch.
4. Dharmadow.
5. Carcoonee.
6. Furmaesh.
7. Jumma wasoolee babtee.

In the Nagdee Babaud Sayer Bab:

1. Googree.
2. Kurbee.
3. Mhar hadoolla.
4. Guwut kuttaee.
5. Rapta mhar.
6. Chursa.
7. Serishta butta.

After these deductions the divisions of 112½ rupees is as follows: .... Rupees 112½
Sirdaismookee 12½

Total.........Rupees 100

Jagheer ....Rupees	75	0	0
Sewraj	25	0	0
Mokassa, three shares of the sewraj	18	3	0
Sahootra at six per cent. in the mokassa ...	1	0	50
Remaining mokassa	17	2	50
Ayen mokassa at sixteen per cent....Rupees	16	0	0
Kussur mokassa	1	2	50
Sahootra ayen mokass and kussur mokas ...	18	3	0
Bahtee, one share of the sewraj................	6	1	0
Ayen babtee at three shares of the babtee	4	2	75
Neun chowthaee, one share of the babtee	1	2	25
Rupees	6	1	0

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Mokassa, &c. ....Rupees	18	3	0
Babtee, &c.	6	0	0
Jagheer	75	0	0
Sirdaismookee	12	2	0
	112	2	0

*This example will afford a slight idea of the intricacy of the divisions of the revenue of a Mahratta village; and it is to be added, that they frequently vary in adjoining villages of the same pergunnah.

Question.

53d. As these divisions are not uniform, state those which are most common in the different districts of your charge, with the proportion which each bears to the whole revenue.

Answer.

53d. I transmit a table (O), shewing the divisions most common in this collectorship, and the relative amount of them; but it is proper that I should state that these umuls, and the manner of paying them, are one of the most fertile subjects of dispute, whether in the Khalsa or Domalla villages, wherever they are assigned.

54th. Was the sirdaismookee a part of the tunkha or kumal, or whatever may have been the total standard rental at the time it was established, or was it an extra impost on the country?

54th. The sirdaismookee was an extra impost levied above the tunkha, before the kumal was introduced. It is said to have been confirmed by the Emperor Aurungzebe, the great grandson of Sewajee, the founder of the Mahratta empire. At one time the greater part of it was held by the Prittee Nidhee, but it is at present included chiefly in the revenue of Government.

55th. Were these umuls parts of the whole standard rental kumal tunkah, or were certain deductions first made before the umuls were apportioned?

55th. The sirdaismookee is almost every where 12½ rupees out of every 112½ of revenue; the other umuls fluctuate, as shewn in the reply to the 53d query. In some villages large deductions are made before the umuls are assigned, and in others very little or none. In further elucidation of this subject, I add the different divisions of umuls in the talooka of Nuzzur Hewallee.

After the deduction of the village expenses, Huckdars, Bullooties, &c. and also that of nuzzurs and other babs, according to established custom, the following are the different ways of dividing the remaining revenue:

Sirdaismookee	12½			in 112½
Do.	10			in 110
Jagheer	75			per cent.
Do.	50			do.
Do.	56	1		do.
Babtee	4	2	75	do.
Do.	4	1	62½	do.
Do.	32	1	50	do.
Do.	9	1	50	do.
Sahootra	1	0	50	do.
Do.	1	2	0	do.
Do.	0	3	75	do.
Do.	2	1	0	do.
Mokassa	17	2	50	do.
Do.	16	2	75	do.
Do.	11	2	0	do.
Do.	32	1	0	do.
Babtee and Sahootra	112	0	0	do.

Neem

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Neem Chowthaee ...	1	2	25	per-cent.
Do.	2	0	0	do.
Do.	1	1	8½	do.
Do.	3	0	50	do.
Kussur Sewraj	193	0	0	do.
Do.	25	0	0	do.

Question.

56th. When any umuls were alienated, how was the exact sum to be paid on account of them fixed, or if levied by the persons themselves, how were they levied?

Answer.

56th. The amount to be paid by each umul was ascertained by the old records of the village, and if any dispute arose, a reference was made to the Dufturs at Poonah. The Potails and Koolkurnees of villages, however, were usually so fully versed in the divisionof the Revenue as to obviate any doubts on the matter. The Jagheerdar, or holder of the jagheer right, had formerly (as now) the power of making the jummabundy, and the Umuldars assisted in this operation, attended to their own interests, and collected their shares. We have so far deviated from this rule, that where we hold the jagheer, the amount of umuls are collectd by our Camavisdars, and paid in two half-yearly instalments to the persons enjoying them.

57th. To what species of right is the term wuttun usually applied, and what is the usual custom respecting the enjoyment and division of wuttuns, and succession, &c.?

57. The term wuttun is applied strictly to a certain benefit enjoyed by one who performs a service to the state in consideration of it.

The Zemindars' (Daismooks', and Daispandies') hucks vary in this collectorship between 10 and 3 per cent., and they also have some immunities (maun paun). There is one ezaput village in the district of Kurrar, held by the Daismooks of that place in addition to their other rights. It is perhaps needless to observe, that the Daismooks and Daispandees stand in the same light to the district, that the Potail and Koolkurnee do to the village.

The Chitness, whose duty it is to take down depositions of complaints, &c., enjoys a fixed sum in some of the pergunnahs, whilst in others there is no such officer.

The Potail and Koolkurnee are to attend to the cultivation of this village, to settle disputes amongst the Ryots, and to realize and to keep accounts of the rent due by each person in the village. The Potails', &c. advantages are very extensive, and consist of enam land, cash googree, maun paun, &c. as will be hereafter fully shown.

The Bullooties, or village servants, are divided into three classes. The first consists of the Sootar (carpenter), Lohar (blacksmith), Mhow (carrier), and Chumbar (tanner). The second, of the Koombhar (potter), Nhawee (barber), Purreet (washerman), and Maung (ropemaker). The third, of the Joshee (priest), Gooroo (temple, &c. attendant), Moolana (ditto of mosques and butcher), and Yeskur (porter).

The above are the Wuttundars who derive hucks from the cultivators, and to these may be added the Chowgulla or assistant to the Potail, the Nargoon, or head of the shepherds, a right held by the Holkar family and the Havildar, who is more an officer of Government than the village. The others, such as the Outee, the Shuiter, Mahajun, Mhowaree, &c. &c. will be noticed in their proper place.

The succession to the wuttuns above described is fixed by immemorial custom, and by the Hindoo laws of division and inheritance; but these are topics on which I am unable to enter into a satisfactory discussion.

58th. Explain the circumstances generally of izaput villages.

58th. The only village held on this tenure within the districts subject to me, is that of Shree in the district of Kurrywalut. It was granted to the Daismooks of that place by the Emperors

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perors of Dehli, and I believe all others in the Deccan are enjoyed under the same authority; they are in fact enam, or rather rent-free villages, granted to servants of the crown in addition to their other rights.

Question.

59th. What security was formerly taken for the realization of the revenue, and what security is now taken?

Answer.

59th. When the toorsor (or early crops) were ready, an estimate was formed without much care of the quantity of land bearing them, and a portion of the revenue equal to that estimate was collected. The same was done with the khureef of crops, and the jummabundy of the season was finally made. When the rubbee crops were ripe, or nearly so, it was then usual under the Mahrattas to place a thaptee, or seal made of cow-dung and clay, on the stacks of grain; after they were placed in the kullah or farm-yard. The produce was not allowed to be removed till the people had given, in some cases the security of a neighbouring village, and in all instances the Potail and Koonbees became responsible for the rents of each other. This mode of procedure was attended with the most serious loss to the cultivators, whom it prevented from selling their crops at a moment when a buyer might come forward, or perhaps some unexpected circumstance had enhanced the value of the produce. I have abolished all sorts of restrictions as to the period of removing and disposing of the crops, and I am quite satisfied, had I not done so, there would have been heavy balances outstanding against every pergunnah in this collectorate.

60th. In what manner were cowls for the clearing of waste granted under the old Government, and how are they now granted? State the difference between the two, if any exist, and whether any hindrance is now found to the cultivation of waste upon cowl?

60th. The systems are, as near as I can make them, the same, with the exception that the Potails have not the power of granting cowls, which responsibility I have placed in the hands of the Camavisdars alone. The Ryots wanting cowls, however, must apply through the Potails to the Shaikdar or Camavisdar, as will appear from my instructions to Shaikdars, accompanying Reply 15.

No sort of hindrance exists to the cultivation of waste land; on the contrary, it is almost too rapidly increasing for the property of the country. We require people, and not grain which is already over-abundant. (See my despatch of the 15th January 1819 to the Honourable the Commissioner.)

61st. Was waste land ever reserved by the former Government? What waste land has been brought under cultivation since the Company's accession to the Government?

61st. Under the late Government waste land was very frequently reserved, as koorums, or meadows in districts where pagahs of horse were stationed; they were taken from whatever village best suited the views of Government, and a corresponding deduction was made in the rent. This fact is of importance, as furnishing an undeniable proof of the unqualified power of Government over the land, which I at one time questioned, owing to the remonstrances made against our taking possession of the 2,000 yards round the fort of Ahmednuggur. When meeras land was included in cooruns, the owners of it got an equivalent.

The quantity of land brought into cultivation in this collectorship, up to the end of the fusly 1231, since the conquest, was about 4,90,000 beegahs.

62d. What ruined villages have been repeopled?

62d. Nineteen villages have been repeopled under me.

63d. What were the general principles established, and what were the forms observed in the revenue system of the former Government?

63d. It is not easy to reply to this question, for the principles and forms of the late Government were, in a great degree, dependent on the views and energies of the person at the head of

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of the executive authority. In the ministry of Nana Furnaveese, great attention was paid to the representations of the Potails and Ryots, and if one of the former went to Poona to complain, he had no difficulty in getting an interview with the minister. The knowledge of this operated as a great check on the Camavisdars and other officers of Government at a distance; and, besides this, they were all under a strict system of surveillance, by people who were stationed in each talooka to watch and report on their actions. In other points they were less strictly attended to than now. It is said, that out of each lac of rupees that a Camavisdar collected, he had a tacit permission to expend 5,000 in contingent expenses, and that if he paid 95,000 into the treasury, and satisfactorily shewed how the balance was spent, little investigation was made about it. As far as my experience goes, I am led to think that no European administration of the revenue of this country can, or will ever be so effective as that of the Mahrattas during the time of Nana Furnaveese. The difference of habits and ideas, and the necessity for employing the natives as the medium of all our acts, are the causes of this. It is true that great minister must have done the same: but he was himself, and every native was more or less so, skilled in the art of detecting abuses, and knew at a glance where they existed. The constant recurrence of peculations on the part of our native servants is solely ascribable to their conviction that we never can attain such a knowledge of their machinations as their own countrymen, and the temptations before them are too great to be resisted, from the impulse of fear alone. One delinquent escaping does more harm than ten being detected can remedy, and I feel assured that throughout our Indian empire this is a true picture of the nature of our government: which, however, with all these drawbacks, is the best the natives have ever lived under.

Question.	*Answer.*
64th. By whom and with whom was the settlement formed in the first instance?	64th. By the Camavisdar (and occasionally the Sirsoobadar), and with the Potails of villages, assisted by the district Zemindars.
65th. Was the jummabundy under the late Government farmed moozawar, *i. e.* was it a village settlement, or was it farmed by mehauls or whole districts? Was the country farmed out, or was it under aumany management? State the particular mode observed of making the settlement.	65th. The jummabundy was moozawar, or by villages. I have heard of no instance of its being made by mehauls, or district umuls, or shares; and even whole villages lying within the frontiers of foreign states were sometimes farmed out, to save the expense of keeping up establishments. The remainder of the country

was under aumany management. The 5th, 6th, 7th and 8th paragraphs of my despatch of the 31st January last contain the detail of the Mahratta mode of settlement, and I therefore insert them.

" 5. When the Camavisdar of a district moved out to commence on " the jummabundy, he used to summon the Potails and Koolkurnees of " a certain number of villages. Their accounts were carefully examined " by himself and his attendant Carcoons, assisted by the Daismooks and " Daispandees. The receipts of former years were referred to, and the " absence of old Ryots, whether from death or emigrations, were mi- " nutely scrutinized, as well as the causes of any change, whether it " might be an increase or decrease in the revenue of the place.

" 6. As soon as all these points were satisfactorily ascertained, the " pottah or lease of the village was drawn out and given to the Potails, " from whom a kabooleat or written agreement was taken to pay the sum " then fixed; and after this final arrangement, the only interference of " the Camavisdar or his assistants with the village, till the beginning of " the next year, seems to have been, with regard to revenue matters, " confined to the realization of the rents, a large portion of which was " sometimes exacted in advance.

 " 7. It

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"7. It is, however, to be added, that the Camavisdar, though he did "not make the koolwar or individual settlement, was, if he did his duty "well, ready to attend to complaints of Ryots who might be forced to "pay too much; but, on the other hand, where cultivators failed to dis- "charge their dues, and absconded, the defalcation was very frequently "divided out amongst the rest of the villagers, and this gave the Potail "opportunities of befriending his relations, and indirectly oppressing "those with whom he might be on bad terms.

"8. We must also bear in mind, the first jummabundy arrangement "was rendered comparatively simple to what it is at this time, by the "fact that almost every village in the country paid its kumal or tuccava, "and it was, therefore, easy for each person to ascertain what his share of it was; besides, in those days, the cultivators were, with hardly an exception, old residents of the village, and they were as well acquainted with its extent and resources as the Potail himself, and able to contend for and secure their own interests.

Question.	*Answer.*
66th. If farmed, was the farm annual or for a term of years?	66th. This entirely depended on the pleasure of Government. In Bajee Rao's time it was usual to farm for several years, and the head contractor for a district again re-farmed it out in villages, or even umuls. This led to the impoverishment of the Ryots by extortion and fraud more than any thing else.
67th. Who distributed the details of the settlement amongst the individual cultivators, was it the Camavisdar, the Potail, or the Koolkurnee? Was it customary to conclude the settlement of the whole mouza first, and then to apportion out the constituent parts, ryotwar; or was the settlement first made with each Ryot, and the aggregate considered the jumma of the village? In settling with each Ryot, what were the several puttees imposed in addition to the original assessment of the cultivated land?	67th. See the reply to the 65th question. In addition to it I have but to remark, that the puttees varied in almost all the villages. There were the toop (ghee), umbaree (hemp), ghas kuttaee (grass-cutting), ghalla khureedee (grain), &c. &c. Puttees, and the amount of them, were perfectly well defined, according to the quantity of ground cultivated by each individual.
68th. After the village settlement had been formed, if any deficiency occurred in the repartition of the sum amongst the Ryots, how was it made up?	68th. See the reply to question 65. It was (as there stated) divided by the Potail amongst the other Ryots.
69th. Who now makes the ryotwar distribution of the assessment? What are the several puttees levied, and generally under what rules is it farmed? If any difference exists between the present and former usage, explain it in detail; and state whether you consider it advantageous to the Ryot or otherwise; give the accounts of one village, according to the mode of settlement under the former government, upon the mouzewar plan, shewing the distribution afterwards into ryotwar, and corresponding accounts of the same village under our Government.	69th. See the reply to query 45, also the ninth and eleventh paragraphs of the despatch of the 31st January. The accounts of a village are herewith transmitted in the manner described (P).
70th. What security was there for the property of the tenantry, and what checks against oppression?	70th. This question is anticipated in my observations in the sixty-third answer, and in other parts of these replies. Under Bajee Rao's government, there appear to me to have been no checks to oppression, by the purchase (through bribery) of the friendship of some powerful man or court favourite.

71st.

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Question.	*Answer.*
71st. How were the limits of the demands of the officers of Government determined, by a share of the crops or by a fixed money rent?	71st. The ancient custom of the Deccan was, that Government received one half of the nett produce of zerayet land after the deduction of all Huckdars' rights, and one-third of that of baghaet. This method was called "bullaee," or division, and the tunkha is supposed to have been framed with reference to it. Within the last fifteen or twenty years, the demands of farmers and others were only limited by the utter inability of the Ryots to pay more; so long as it was known, or even surmised, that a village could pay an additional puttee, there was no want of pretences for levying it under some name or other.
72d. Was the demand fixed according to ancient usage accounts, or was it at all discretionary in the Government officer to fix it.	72d. See the preceding reply. During the time of Nana Furnaveese, no Government officer dared to impose a heavier rent than was usual on a village, without the previously obtained concurrence of the village, which might have been given in consideration of his building an embankment to bring water into the village grounds, or for some other act tending to the benefit of the whole community.
73d. If discretionary, could the Ryot be ousted from his land if he refused assent to the terms proposed?	73d. Meerassadars could not. If ground was cultivated by an Ooprec, and another offered to pay more, he might be turned out, provided he had not a cowl particularly specifying he should hold it as long as he pleased. This is a very common clause in cowls.
74th. If rent in kind was commuted for a fixed money rent, was it determined on a given average of the prices of former years, or how?	74th. I have already stated in reply to the 71st question, that the tunkha I believe to have been fixed with reference to the produce of the soil, and it is inferrible that it was estimated on the average prices of grain for a series of years. The only argument against this idea is, that many villages have never, nor ever can, pay their tunkha; but these exceptions are so few that they do not invalidate the universal opinion on this subject.
75th. When was money rent first substituted for payment in kind?	75th. In most places on the tunkha rental being established, and in a few at a more recent period. I believe kind is taken in payment of the revenue to this day in the Concan.
76th. How were the periods of the kists fixed in the several gradations of collection from the Ryot to the Potail, the Potail to the Camavisdar or farmer, and the farmer to Government? Be particular in stating the period at which demands were made upon the Ryot for the dues of Government, of whatever discription, and the relative per-centage of each instalment, and the practice in this respect as it now prevails, exhibiting the merits and demerits of each system, and stating which is most conducive to the easy realization of the revenue?	76th. I have shewn in the 59th reply, that little if any attention was paid to the fixing of kists. The rents from the toosar, or early, and the khureef or autumnal crops, were taken at a guess, and paid as quickly as they could be collected by the Potail, who transmitted the amount to the Camavisdar, and he to Government. If the revenues were farmed out, the Contractor usually paid a portion equal to one-third in advance, and under all circumstances he was obliged to deposit a sum as security for the fulfilment of his agreement, or to get some opulent man to become responsible for him. The rents due on the toosar crops were received in our months of July, August, and September; those on the khureef, in September, October, November, and December; and the great bulk of the revenue was received in

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in January, February, and March. At present the kists are paid at six great payments, and the proportion they bear to the revenue of each district is annexed; besides which, the Camavisdars are directed to recover the rent of the toosar crops at the proper time. I have, however, observed in the 8th answer, that about one-fifth of the revenue is usually unpaid on the 30th April; and this indulgence, whilst it makes little or no difference to Government, is of the first moment to the cultivators, inasmuch as it affords them time to pay up the last instalment of their rents, without driving them to the ruinous expedient of borrowing each from Soucars. Even were this not a sufficient reason for the adoption of the measure, I do not hesitate to say that it tends decidedly to the speedy realization of the total revenue, for in no part of the country, and at no period of the Mahratta rule (as far as I am able to form a judgment) were the balances of the dues of Government as small.

Kists of the revenue of the collectorship of Ahmednuggur, for fusly, estimated on one hundred parts.

In November	10	parts.
December	10	
January	20	
February	20	
March	20	
April	20	
	100	

Question.	*Answer.*
77th. Is any, and what remission of the full rent allowed to Brahmins or Mussulmans, or other privileged castes, either in consideration of their poverty, or of their receiving no assistance from their women in the labours of agriculture?	77th. Not generally. In the pergunnah of Sinnur, the Brahmins pay eight annas less on the kistbundy than the other Ryots; I am not aware of any other instance.
78th. Were the rents formerly discharged by the Ryots in ready money or by huwala or assignment upon bankers? How paid, by the Mocuddums to the Mamlutdars, by the Mamlutdars to the Sirsoobadar, and by the Sirsoobadar to Government? In case of loss of exchange, or charges of interest accruing from the system of huwala, was the amount assessed upon the Ryots? If so, state what may have been about the per-centage upon a Ryot's rent.	78th. Where the Ryot had the means, he paid his rent in ready money; but the greater number of them were forced, from the method pursued, to give reference to Soucars, who charged them exorbitant interest. When the sum required was realized by the Potail, he sent by the mhars, accompanied by the village Sonar to the Camavisdar's tannah, who remitted it to the treasury at Poona, either in specie or by hoondus, as seemed most advisable. If by the latter mode, and any loss was sustained from hoondaval,

(expenses of hoondee), it was defrayed by the public; but if the cash was sent and found short of the sum from base coin, the defalcation was made up by the Camavisdar, who could not levy it on the district. If the Camavisdar remitted more money to the treasury than he was bound by his agreement to do, the Government paid him interest at twelve per cent. per annum; and munnootee or premium, at two per cent. Thus, if a Camavisdar whose districts were to pay 85,000 rupees in fusly, had remitted to Poona 1,00,000, he got interest at one per cent. on the balance till the kists of the next fusly were transmitted; and he then deducted the amount of interest, and the premium above-stated, out of his first or second remittance. In some districts, where there was serishta butta, it was fixed at two per cent.: but this was not generally the case; nor was it necessary, for at that period the vast number of base rupees which are now in circulation throughout the Deccan were unknown. The assessment called puttee chal butta was the same as the serishta butta.

79th.

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Question.	*Answer.*
79th. What is the system now prevailing in this particular? Does any charge of interest, or loss by exchange, fall upon the Ryots? If so, state the proportion with reference to his rent, comparing the present with the past system.	79th. The revenues are collected from the Ryot, at certain fixed rates, with reference to the ankosee rupees; those rates are shewn in the accompanying statement, and they seem to be very fair ones. I fixed them after much inquiry, and have never had a representation since on the subject, as far as the interests of the Ryots are concerned; whilst as a proof of the Government incurring no loss by them, I may state that several bankers of Ahmednuggur have offered to take the revenue as it comes in, and to pay an equal amount of ankosee rupees into the treasury.
80th. What is the usual rate of interest paid by Ryots for sums borrowed from Soucars?	80th. Twelve per cent per annum; but of course this varies according to the exigencies of the borrower and the rapaciousness of the lender. It is said never to have been two per cent. per month, during or before the time of Nana Furnaveese, and very seldom so much: but since Bajee Rao's accession it has been known to be as high as ten per cent. per month; and several instances are within my recollection where bonds produced in the adawlut stated the interest to be three, four, and five per cent. per mensem.
81st Does the rate vary when the loan is for grain instead of money?	81st. Yes; but it is not possible to define the rates. Those at one and a-half, two, and two and a-quarter fold, were the most common, and depended on the time the debt was likely to be unpaid. If a man borrowed grain in Jest or Ashur (June and July), and was to restore it from the succeeding khurreef crops in Kartch or Margsur (November or December), he seldom paid more than one-half fold; but if the debts were to run on till the rubbee crops, the return was proportionably increased. If he failed to pay during the season, the creditor usually forced him to give a bond for the value of the grain, at the highest price that had been known for many months, or even years.
82d. What are the several coins in circulation in your district; of which is there the greatest, and of which the least quantity? In every hundred rupees collected, what received in payment of revenue is about the proportion of each coin?	82d. The statement (2) alluded to in the seventy-ninth answer shews all the coins which I allow to be received into the treasury; and as a hundred is too few to form a correct judgment from, I forward a table of the receipts of the month of March 1822, and of the different sorts of rupees which composed them.
83d. Were there any established revenue rates at which coins were received under the former Government, or were the rules undefined and fluctuating? How is it now? or if not already done, would it be desirable to fix the relative rates of each with reference to some standard? If so, state the average marked and intrinsic value of each coin now in circulation in a separate table, shewing the highest and lowest value during the year.	83d. The polee chall, or treasury currency, was, till Bajee Rao's time, purshee or mullashye rupees, which are said to have been one and a-half per cent. better than the present ankosee. All other rupees were received with reference to those, and where it was deemed requisite, serishta, or polee chall "batta," was collected at the time of receiving the rents, at the rate of two per cent., which, if we exclude all the base rupees circulated within the last twenty years, will be found to tally, as nearly as possible, with the standard I have established. The table called for is forwarded.
84th. If you conceive that any depreciation of particular coins takes place from a combination of the Shroffs	84th. I have frequently turned my most serious attention to this subject, and I confess I am unable to propose any

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Question.	*Answer.*
Shroffs, what remedy for the evil would you suggest?	any effectual remedy that could be carried into execution by the British Government alone. There can be no

doubt but the depreciation of various coins often springs from a combination of Shroffs; and unless we can introduce, with the concurrence of the states whose territories adjoin ours, a general standard currency throughout the country, the only method, in my humble opinion, that can be adopted to counteract the practice of the money changers is, to carry to the utmost length the system which I have partially introduced, of fixing the relative value of all rupees by a defined standard, formed with reference to such rupees as Government may be pleased to select for that purpose; to receive and pay all monies into and out of our treasuries by that standard; to oblige all bazar dealers of our camps to abide by our orders on this head; and whenever we have money dealings (I speak in a public capacity) with bankers or any other persons not so amenable to our regulations as camp bazar people, to apply our rules to the payments, or receipts, as the case may be. This would leave the bankers, as far as their transactions amongst themselves go, at perfect liberty; it would secure the Ryots from imposition, for they, knowing the standard of all rupees, would only receive as they could pay; and it would in the course of time put a stop to the coinage of base money, on which the coiner would be fully aware he had but a small chance of making any profit. To give greater effect to this plan, Government might, if it thought fit, direct all the worst sort of rupees collected during a certain number of seasons to be sent to the presidency for re-coinage. This drain on the present bad currency, and closing all the mints, as far as lies with us, at which they are coined, would soon have a visible effect; and the only question is, how the deficiency of specie would be provided for: this could only be done by all the Collectors drawing from the general treasury whatever money they required. But how far the expense and the trouble of the scheme I have ventured to suggest would be compensated for by the ultimate advantage, is a point on which I am afraid to offer a decided opinion, without a fuller consideration of, and insight into the matter than I have obtained.

85th. Is any profit brought to account in converting the currency of the country into the coin in which your accounts are kept? If so, state the average amount annually.

85th. The profits on exchange were,

In fusly 1229	Rupees	718	0	12
1230		4,294	0	93
1231		910	2	94
		5,923	1	40
Annually		1,974	1	40

86th. Are the same coins that are collected from the Ryots paid into your treasury, or are they changed on the way to it?

86th. Since the commencement of the fusly 1231, the coins collected are sent to the treasury. Previous to that, having no standard to guide them, the Camavisdars obliged the Ryots to pay good rupees, or to make up the deficiency and the difference of value in the districts and at Ahmednuggur, when any was credited to the head of exchange.

87th. What checks are established to prevent these abuses?

88th. Do the irsal puttees, or list of remittances from villages and districts, specify the different coins composing the remittances?

87th and 88th. The two questions require only one reply.

The irsal puttees specify in detail the coins composing the remittances; and the receipts granted by the Koolkurnee to the Ryots, and by the Camavisdars to the Potails, do the same. The Shaikdars have also been instructed to keep the most minute account of the collections from the villages, and of the different rupees of which they are composed. These altogether form a series of checks that cannot be evaded.

89th.

Question.

89th. Under the former Government did the Muckhtadar or farmer, on failing to realize the fixed jummabundy from the Ryots, make good the difference from his own pocket, or did he assess and collect it from the Ryots generally, either in the same or the succeeding year? In the event of individual failures, from death or other causes, whence did the farmer realize the loss? State also what is the existing practice, that is to say, are deficiencies of revenue ever levied upon whole villages or districts?

Answer.

89th. There was no farming system under the late Government, with the unimportant exceptions alluded to in the 65th reply, till Bajee Rao's accession; and since then the Muckhtadar or farmer was obliged, if he even ruined himself, to pay up the full amount of his agreement; and he, in his turn, took especial care not to lose, for whether the failures arose from deaths or other causes, he assessed the pergunnah to the utmost rea. Instances, however, are mentioned, where ignorant Hoozrahs or others agreed to farm districts at more than they could possibly pay, and in these cases the farmers have been obliged to sell their houses and chattels, and after all have been thrown into prison. I shall here briefly state a circumstance which happened in the pergunnah of Parnair, two years before the war, and which speaks more forcibly as to the real nature of the farming system than a volume of opinions. Raghor Chumnajee, who was the farmer, having failed to pay the amount agreed upon into the treasury, was ordered not to appear at the durbar till he had done so. He represented that he had assessed the cultivators to the very last extremity, but nothing would be listened to short of the full sum being discharged; and he therefore returned to his village, whence he sent out his Sebundies, and seized all classes of persons, from whom he extorted the sum which he wanted to fulfil his engagement; nor was the slightest notice taken of the affair when the injured persons repaired to Poona to complain.

With regard to the present practice, I have not formally prohibited the rents of absentees being levied on the village; but it cannot be done without my permission, and I do not remember a single instance of it.

90th. Are receipts granted in the several gradations of collection, *viz.* to the Ryots by the Potails, &c., and by Camavisdars to Potails, and by you to the Camavisdars?

90th. Yes.

91st. Is any register kept of receipts by you, and in what form?

91st. They are copied into a day-book. There is little else in them except the detail of figures, to shew the various sorts of rupees and their value in ankose currency, therefore I thought it as well to have them copied.

92d. Under the former Government, was credit allowed in the jummabundy for the village charges, or was the amount collected by the Potails and Koolkurnees at their discretion, by an extra assessment upon the Ryots exclusive of the jummabundy? If these charges were deducted in making the jummabundy, state what particular items were disbursed by the Potails and Koolkurnees at their pleasure, and what particular items were expended through the Mamlutdars; you will explain the practice also, as it at present exists in this regard; you will also exhibit the average percentage of village charges under the late Government, comparing them with those of the present.

92d. Credit was allowed in most places in the jummabundy, but there are instances where the village charges were an extra assessment beyond the settlement. It appears certain there was very little check on the Potails and Koolkurnees as to their exceeding the authorized village charges, and I have in vain tried to discover any thing like a scale or system in their allotment. The Camavisdar had then, as now, the general superintendence of the village expenses, provided he chose to interfere, but this was seldom the case. The manner in which the sum assigned for gaum khurch is now disbursed, is expected to be shewn at the close of the year by the Potail and Koolkurnee, and I intend to form some further rules on this subject,

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Answer.

ject (which shall hereafter be submitted for approval), on the principles laid down in Mr. Chaplin's despatch of the 21st March 1822, to the Collector of Poona. I am however of opinion, that we should leave the Potails a considerable latitude as to the manner of expending the gaum khurch, as the means of upholding his authority in the village, and that our chief instructions should be touching the amount. (See the ninety-fifth reply.)

Question. — *Answer.*

93d. Are the fees and perquisites of Koolkurnees and Potails collected in villages?

93d. Yes.

94th. Are the proportions different in different places?

94th. Yes; in a few villages of this collectorship the Potail has no enam ground, and in others the Koolkurnee has no pay, nor are their perquisites from the Ryots (as might be expected) larger than elsewhere. The Koolkurnees' hucks are usually fixed at so much kind per beegah.

95th. What checks are established to prevent excessive exactions under gaum khurch?

95th. It is allotted at the rate of six per cent., and on all occasions where I discover that has been exceeded (either under the name of gaum khurch or any other appellation) without my previously obtained leave, I oblige the Potails and Koolkurnees to refund. The Potail has always some excuse ready. He will say he wished to dig a well for the general good, or to build a cistern for the village cattle to drink out of, or to repair the gate or wall of the village: to all of which I make the same reply, that is, if he had applied to me I might perhaps have assisted him in the undertaking; but as he had thought proper to disobey orders, he must suffer for it. I never met with any instance where a puttee was levied by the Potails unknown to me, that they had not made away with the amount for their own private use; therefore I have been less scrupulous in obliging them to reimburse, and they all now perfectly understand the penalty they incur if detected. I consider the allowance I have made for gaum khurch ample for every purpose, and indeed I do not see that it need be long continued so high; but as it is certainly reduced at least one-half to what it was under the Mahrattas, it seemed politic not to lower it further for a time. I shall hereafter submit a scale according to the revenue of the villages, by which it might be advantageously fixed.

96th. Which of the ancient institutions remain in full force, and which of them have been modified or abolished since the accession of the British Government?

96th. It has been my great object to revive all the dormant ancient institutions of the country, instead of abolishing them; nor do I know of the slightest modification that any of them have undergone. They are so excellent of themselves, or rather so well adapted to the wants and ideas of the people, that I am of opinion our chief study should be to give them full effect.

97th. Who are the various officers of the village, including the Potail, Koolkurnee and the Barra Bullooty? Give the designation of each, and describe their several powers and duties; shew what are their emoluments or perquisites, rights and privileges,—whether they are paid by land, or by hooggee, anaj ghoogree, kusba, &c. from the Ryots; whether these fees are charged upon each plough, upon the land, upon each individual Ryot, or upon the crop.

97th. The number of officers in a village are not in all places the same; I shall therefore first mention those which are most common.

1st. The Potail, whose duty it is to superintend the cultivation and the improvement of the village; to collect the revenue; to adjust trifling disputes amongst the Ryots, on whatever subject they may arise; to see that every one of the Mamlutdars fulfils the service belonging to his station, who may be found in or near the village, and to preserve the efficiency of the village police.

2d.

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Answer.

2d. The Koolkurnee, who is the accountant, and generally speaking the coadjutor of the Potail. He is to keep a register of all lands, their divisions, quality, &c.; also of transfers, sales, &c.; to have an account of the quantity of ground cultivated by each Ryot, and the rent he has paid, as well as the balances due by him; he gives receipts in the name of the Potail to the Ryots, and writes all papers, such as deeds of sales, transfers, bonds, depositions, &c. that are drawn up amongst the villagers during his executive year.

The Barra Bullooty are (as before stated in the 57th reply), of three classes, and their duties are sufficiently indicated by their names, even if they were not so universally known as to render it superfluous for me to detail them here. Each of them performs for all the persons in the village the services of their particular calling or profession. The carpenter builds and repairs houses, makes and mends ploughs, yokes, &c. The blacksmith assists in these jobs. The Chambaur mends shoes and sandals, repairs the mouths, or bags, for drawing water, cures hides, &c. The Mhar is the most useful of all the village servants. He runs on messages, carries money to the tannah, knows all the grounds of the different Ryots and their exact boundaries, as well as those of the village; and in disputes regarding them, whether between individuals or adjoining villages, his voice is of the greatest weight. He is considered the most trustworthy man in the place, and though his caste is very low, his station, relatively considered amongst the other Bullooties, is highly respectable.

The Khoombar supplies the people with earthen pots, &c.; the barber shaves them; the washerman washes their few clothes; and the Maung makes traces for ploughs, ropes for wells, &c.

The Joshee, who is also the astrologer, performs ceremonies of all kinds; the Gooroo cleans and washes the village temples, and assists the Joshee on particular occasions; the Moolanee does the same services for the mosques that the Gooroo does for the pagodas, and is also the village butcher when goats are to be sacrificed by any class of the Ryots. The Yeskar is the keeper of the village gate: he knows every one that goes in or comes out, ascertains where travellers have come from, shews them where to put up, and reports all arrivals and departures to the Potail.

The rights, perquisites, and privileges of all these classes are shown in the accompanying table; but it is to be added, that they are ill-defined, and fluctuate in almost every village, and also vary according to the necessity which any Ryot may have for employing the services of a particular Bullooty. The whole that are paid in kind are charged on the land.

Question.

98th. What other cesses were levied under the late Government, such as fuskee, halde, nuzzur, moshaira, khandnee, tushreep, kaghaz baha upon each bullock-load of grain under the name of gourkos, or any other denomination?

Answer.

98th. See the table accompanying the twenty-second answer. There is no such tax as gourkas in the collectorship. The Potails of villages sometimes receive a small sum called wuttalee, on convoys which halt there at night, but this is included in the zukaut, or customs.

Question.

99th. Which of these are still collected and which discontinued under our Government? State what is the amount of enam lands, including hooggeeanaj, and other perquisites enjoyed by Potails, after deducting quit-rent or enam puttee, payable to Government. Give an instance of a village in your district where the percentage of their emoluments in proportion

Answer.

99th. The tuskee or shew (as it is also called when taken on vegetable, &c.) has been abolished in the city of Ahmednuggur, and in the towns of Nassick, &c., where it was collected by so many different persons, that it amounted to a prohibition. In other respects the old practice has not been interfered with. The amount of the perquisites and enams of Potails, after the

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Question.	*Answer.*
portion to the revenue is the highest, and of another village where they are the lowest, and strike the average. The same information is required with regard to the Koolkurnees, the village Tullaries, Tuhsalee, Peeadas Yeskars or Havildars, and the Barra Bullooty generally.	the deduction of the dues of Government under all denominations, may be estimated at about Rs.1,04,729. 3. 56 or Rs.6. 1. 16 per cent. That of the Koolkurnees, moorshahunee Rs. 32,172. 3, or Rs. 1. 3. 72 per cent. (Table II.) The rights and advantages of the other village servants it is not possible to define with any precision.

These are paid in kind, and depend very much on the good or bad crops of the Ryots. The owner of a field that has a good crop will readily pay double the quantity of bullooty that will be demanded or expected from an equal quantity of land bearing a middling or bad crop. Where kothees or crops of standing grain are purchased, the seller pays ten per cent. to the Bullooties, and two and a-half to the Koolkurnee; he also discharges the Zemindar's and Potail's hucks, the proper share of gaum khurch, and which are estimated, one district with another, to be about as much more than the usual Government dues, besides five per cent. of a tax called kholee wekree. These charges on one hundred shares will amount to about the same as stated in the reply to the eighty-ninth question, and go to corroborate its general correctness.

100th. You will also state the mode and form in which the Koolkurnees keep their accounts, more particularly those which relate to the extent of cultivated land, description of produce, and amount of rent of each Ryot.	100th. The Koolkurnees' accounts contain a complete register of the lands of each village, the manner in which it is apportioned into zerayet or baghaet, and its quality, as one, two, three, and so forth. The dur, or standard rent, of all descriptions is also

shewn by them, and all variations in the produce is yearly inserted. It is, however, to be added, that little attention was paid to these minutiæ during the last fifteen or twenty years, and I rather speak of what I have established than what I found in force in the country. This was, however, the former system, and I have endeavoured to introduce it in its full vigour.

101st. Are the accounts now so prepared as to enable Government to ascertain with accuracy what ought to be the revenue of a village, or to enable the Collector to decide on complaints for extra exaction from individual Ryots?	101st. Certainly. But the inveterate habits of falsehood and deception, which the Koolkurnees have imbibed under the bad government of Bajee Rao,, urge them to take every opportunity and to run great risks in attempting to deceive us, as to the extent of ground in cultivation, the

dur, or rate per beegah, &c.; and it is only by the strictest scrutiny and unremitting attention of the Camavisdars and hoozzoor cutcherry servants (whilst the jummabundy is going on) that their frauds are detected. There are, no doubt, many of them still in existence; but every season lessens the number, and brings us to a more perfect knowledge of the real resources of the country.

When Ryots complain that their fields are over-assessed, or that they are paying for more ground than they till, I always grant them redress, if their representations are found to be well-grounded. The truth of the former is asçertained by an examination of the rent of similar land in the same village: and of the latter by actual measurement, in presence of the Potail, Koolkurnee, and applicant.

102d. If so, by what rule is this certainty defined?	102d. See the foregoing replies. No Ryot will pay for more land under us than he cultivates. Many of them

who were Meerassadars at first, threw up all the inferior ground, and tried to evade paying the Government dues on it: but this I never admitted; and as they are now aware of my resolution on this point, they find it more profitable to till the whole.

103d.

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Question. — *Answer.*

103d. Are any additional rules necessary to fix it?

103d. I do not think any other rules than those which I have laid down could be formed that would tend to the object in view. They are very favourable to the cultivator, and it is now his own fault if he pays more rent than is just. It is only, I have shewn, by constant attention that the interests of Government can be effectually preserved.

104th. If there be any difference in the nature of the duties exacted in former times and those exacted now from the village officers, you will explain it, and state whether the duty then, or now, is most onerous.

104th. I do not know of any duties that are now expected from village officers which were not exacted in former times. The present generation of Potails and Koolkurnees may perhaps feel the tasks we impose on them more irksome than they have been accustomed to, but they are certainly not heavier than those which their ancestors had to perform.

105th. What were the powers and duties, as recognized under the former Government, of Sirsoobadars and Mamlutdars?

105th The authority of the Sirsoobadar appears to have been precisely similar to that which is now exercised by Collectors in the Deccan. He was vested with the general control of the Camavisdars under him; had the power of punishing theft, peculation, and all other offences not amounting to capital crimes; he superintended the conduct of the officers of Government in every gradation, and if he discovered any malpractices, he suspended the delinquents and reported the matter to Government; his authority was of great use in adjusting boundary disputes between villages or altercations, the right of pasture on mountains and waste lands, the division of the water of nullahs, and such other matters.

The Mamlutdar was amenable to the orders of the Sirsoobadar, where there was one over the portion of the country in which his charge was situated; all his actions were to be investigated by the former officer, and he was obliged to account for his measures. The Camavisdar decided suits that were submitted to him by the consent of both parties, or he ordered punchayets to be held. He could not inflict any severe punishment without the sanction of his superior.

In a despatch which I addressed to the Honourable the late Commissioner on the 15th January 1819, I explained the relative authority of the Sirsoobadar and Camavisdar in revenue affairs, and to that document I respectfully beg reference may be had.

106th. How were they paid?

106th. By assignments on the revenue of the country under them. These assignments were fixed in an estimate made at Poona, and if any difference was discovered in the payment of the inferior officers, in the mustering of the Sebundies, &c., or in short in any one of his charges, he was fined and punished, besides being obliged to refund the amount.

107th. When were the Zemindars, such as Daismooks, Daispandees, &c. instituted, and under what rules? Are there any of their original sunnuds extant, or any documents to shew how the office has been since conducted? State what are their official perquisites, and under what rules and designations collected, whether any variations from the ancient practice have of late been introduced; are these hucks a given per-centage upon the village collections, or are they indefinite and fluctuating?

107th. I have not been able to obtain any information as to the period at which the Zemindars' offices were instituted. The general idea is, that they were the earliest revenue officers in the employ of Government; and that their situation became in course of time hereditary. Their duties were to look after the districts, in the same manner that the Potails and Koolkurnees superintend the village: they were bound to give information on all questions relative to the revenue to the officers of Government, to assist them in forming the jummabundy, to use

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use their endeavours to keep the Ryots in good-humour, and to explain away any supposed cause of dissatisfaction They were also expected to be present at the adjustment of all boundary disputes, to attest all transfers and sales of land within their district; and, finally, to prepare a statement of the gross revenue, without any reference to the expenses of management, with which they were not allowed to intermeddle.

Their perquisites varied from ten to three per cent., as will appear by the accompanying table. These perquisites were known by the names of roossoom, or customary allowances, and bheekna, or charitable demand; which latter is a sum payable from the revenue of villages, without reference to their value, and which is not traceable to any fixed scale.

The whole of the hucks of the Zemindars have been preserved according to the ancient custom, as far as it could be ascertained; and where that was not possible, an average of their receipts for a series of years was taken, and the per-centage laid down, in proportion to the revenue of those seasons.

On this subject I may here quote the thirty-fifth and thirty-sixth paragraphs of my despatch to Mr. Chaplin's address of the 31st January 1822.

" 35th The Daismooks, Daispandees, and other district officers of " those classes have lost much of the influence and power which they " possessed under the late Government, because they were the chief " engines employed by the farmers of the revenue to carry their exactions " on the Ryots into effect, and this gave them a hold on both parties " which is incompatible with our fair dealing. As far as regards their " just emoluments, they are full as well paid by us, and their hucks are " increasing with the prosperity of the country; but it is, nevertheless, " very probable they do not actually receive so much as they did during " the latter twenty years of the Mahratta rule, for in that period, exclusive " of their acknowledged rights, they had various means of obtaining " money and kind from the cultivators, who were urged either by fear of " their power, or a wish to secure their interest with the Mamlutdars, to " submit to their demands.

" 36th. With these exceptions, I consider the Zemindars are perhaps " better off than they were under Bajee Rao, as they were then in their " turn subject to be called on to pay puttees and nuzzurs for a con- " tinuance of their wuttuns, and on other pretences, whereas they now " have the satisfaction of feeling that whatever their hucks may amount " to, they are sure to get them without trouble, and to enjoy them in " security. Of their disposition towards us I can only judge from their " avowed sentiments, and they compel me to believe, that this body of " people are as well pleased with our authority as others."

Question.	*Answer.*
108th. Were these officers hereditary or ever removed from their offices?	108th. They were hereditary, and, unless in cases of treason or some crime against the state, the office descended from generation to generation. In the district of Warry, under the Poona collectorate, the ancient Daismooks are said to have lost their wuttuns in consequence of engaging in a rebellion, the object of which was to subvert the Government.
109th. What was the duty exacted from these Zemindars in former times, and what service do they now perform? Have any changes been introduced into modern usage?	109th. See the replies to the two preceding questions.
110th. Were those of the higher order ever subject to suit and service like ancient feudal tenures?	110th Not on account of their huck roossooms, but many of them were employed in the service of Government as Sirdars, and enjoyed in that capacity jagheers and other advantages.

111th.

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Question.	*Answer.*
111th. Is the influence of those officers generally advantageous or otherwise to Government?	111th. I think not: my opinion of them is expressed in the paragraphs quoted in the 107th reply; and I look on them at this time as merely a class of men who add to the burthens of the Ryots, without bringing any equivalent in the scale, either as regards the people or the Government.
112th. Has that influence diminished since we succeeded to the Government?	112th. See the reply to the 107th question.
113th. Would it be politic still more to circumscribe it?	113th. I am decidedly of opinion, as may be collected from what I have already written on this topic, that the more we limit the authority of the Zemindars the better.
114th. Is the influence of Gooroos, or heads of tribes, less considerable than formerly? What effect has the change upon their morals?	114th. In matters of justice which came before the Adawlut, the influence of the heads of tribes is no doubt lessened; but in all other respects, I think it is full as great (if not greater) than under the Mahrattas. I have studied to impress upon all parties the necessity of a strict observance of the moral duties of society, and where complaints have come before me I have always given my countenance to the heads of castes, unless it was plain that their object was to extort money from those under them. I have also frequently punished breaches of morals with greater severity than was usual for a length of time past, and, on the whole, I am disposed to believe the population at large are impressed with a high idea of our sentiments of propriety. The establishment of the native College at Poona raised us in the eyes of all classes of our new subjects in a degree that it is not possible to express; and it is gratifying to hear the terms in which it is spoken of.
115th. What are the rights, privileges and duties of Hill-chiefs, Naicks, of Shetsundies, Ramoossees, &c.?	115th. In replying to this question, I beg to refer to the accompanying series of queries and answers which I received from, and transmitted to Mr. Chaplin, in December 1821. The duties of Hill-chiefs, Bheels, and Ramoossees, are to guard hill-forts and villages. The former hold villages in jagheer, and are besides in the receipt of pay (as was the case during the Mahratta authority) from the treasury. The Bheels and Ramoossees receive allowances from the villages which they guard. In some villages they are given in kind at an established quantity on each Ryot, or in an undefined portion of the crops according to its goodness; in other places the watchmen are paid in money, which is included in the gaum khurch, and in a third class they have portions of ground. The immediate duty of the Bheels and Ramoossees in our pay, is to apprehend criminals of all descriptions, and to be generally responsible for the tranquillity of certain districts. The Shetsundies are men who perform the duty of our "mehaul Sebundies," and receive an allowance on this account. There are only people of this class in one pergunnah under me (Purnair), and there fifty-eight men receive an allowance in kind, equal (last fusly) to 1,732 rupees, or thirty rupees per man per annum.
116th. Was it the custom of the former Government to advance tuccavee; if so, under what securities, and what were the periods of repayment?	116th. Yes; when the Ryots of a village required such, they applied through the Potail to the Zemindars, who made arrangement for the requisite security, and got the Camavisdar to advance the amount. The usual security was the Zemindar's being responsible for the Potail, the Potail for the whole village, and each Ryot for his neighbour. Except in particular cases, the advances were always repaid within the season.

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Question.	*Answer.*
117th. What is the existing usage? Did the former exceed or fall short of the present amount? Would cultivation be promoted by further augmenting these advances?	117th. The usage at present is so far altered, that the interference of the Zemindars is not considered requisite to obtain advances of tuccavee, as I suspected they took advantage of their situation to profit by their recommendation. The zumeen sanklee, or concatenated security, is still preserved, and the period of re-payment is influenced by various circumstances; such as the crops for which the tuccavee is required, whether it is an istawa land, &c. I do not think the cultivation would be augmented by increasing the tuccavee, nor do I think it would be desirable to do so.
118th. What proportion of the Ryots of five villages require the aid of tuccavee?	118th. In five villages of the Sungumnair pergunnah, the following were the total number of Koonbees, and those who took tuccavee:

Villages.	Total Koonbees.	Received tuccavee.
Sumnapore	35	15
Pakre	17	10
Wargaow	14	9
Khureet	6	5
Maldur	19	4
	91	43

119th. On the whole, is there more or less efficiency of control under us or under the native sway?	119th. I look upon it that in general our control is full as efficient as under the native sway; but in the investigation and detection of the abuses of our head revenue officers, I do not think we are, or perhaps ever can be, equal to them. The reason for this (exclusive of those mentioned in the sixty-third reply) may perhaps be traced to our scrupulous justice, which demands proofs which no native would think of asking for before he made up his mind. One thing is however quite certain, that at present no one can peculate without the connivance or assistance of the Camavisdars; and if we could only teach them to be honest, or restrain them by fear, we might feel assured no others could defraud the public.
120th. Is there more or less formality, decision, and despatch?	120th. I think we have all the three qualities alluded to in this question beyond any thing that the natives have ever evinced. We are by far more formal in our papers, correspondence, &c., and our decision and despatch of business are subjects of great surprise, to even those who lived under the administration of Nana Furnaveese. That minister himself, doubtless, far exceeded in his despatch of business what any one European could transact; but the division of our duties, and the regularity and celerity of our references and replies, are points in which we have a manifest advantage.
121st. Are we more or less arbitrary, summary, and discretional?	121st. We are less arbitrary, taking the word in one sense, that is, we never decide till we have fully investigated. We are less summary in one respect, and more so in another. We wait with patience for proofs, and weigh and examine all facts: to this extent we are less summary. On the other hand, when we have once got the truth, our acts and orders are brief and explicit: and in this light we are more summary. It is, after the preceding remarks, almost tautology to say I think we are less discretional. I mean by less discretional that our acts do not depend on the ideas or impulse of the moment, but that they are controlled by forms, and not left to the discretion or pleasure of any individual, as was often the case in former times in this country.

122d.

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Question.

122d. Are there any innovations, such as distraint and sale of wuttuns, abolition of tuccavee, personal coercion, &c.

Answer.

122d. Some wuttuns are sometimes temporarily resumed (or rather placed under the Camavisdar) to accelerate a punchayet or some such object, but none have been sold or distrained by me. Tuccavee I have forbidden where it affected the females of a debtor's family, but this only in cases where it was complained of as being very vexatious. Personal coercion I never allow unless by the orders of one of my Assistants or myself, and where Camavisdars confine people, on whatever cause, they are ordered to report it instantly.

In closing these replies, I think it proper to state how I have obtained the information which has led to my opinion. Where papers were not requisite, or not to be had (as was too often the case), I have consulted natives of every class, and in all parts of the country, and where my informants disagreed, if it were practicable I confronted them. This was however seldom in my power, for I usually found a discrepancy of sentiments in different pergunnahs: but as I pushed my inquiries I generally discovered the disagreement proceeded more from localities than from any general system.

The opinions I have formed myself are given with a freedom which I trust will not be thought presumptuous. I am fully sensible that many of them may be erroneous, but it is desirable in such a discussion that even erroneous opinions should be made known, in order that they may be confuted and the errors pointed out.

(Signed) HENRY POTTINGER,
Collector.

Mohturfa, Professional or House Taxes.

1st. Explain what was the former mode of fixing the mohturfa, or taxes on traders, merchants, artificers, or artisans.

1st. There was no defined mode; it rested entirely on the pleasure of the executive authority at the moment.

Succeeding Questions.

2d. Was it fixed with reference to their income, or to the size of their houses? If in either way, how were those points ascertained?

2d. It was generally considered to be fixed with reference to their incomes, from their particular callings: but the whole was done by guess, and therefore it was particularly incorrect. No such thing was ever thought of as examining the books or papers of any person, to ascertain his resources or profits, nor would such a procedure be tolerated. The common report of a man's means was taken as the ground-work of the demand to be made on him. He of course remonstrated, and protested his profits were unequal to the proposed assessment, and he generally succeeded in getting it fixed at a lower scale

3d. Or were the contributors divided into classes, and a certain amount fixed upon each class?

3d. In pranths, or large trading towns, the sum to be paid by each class was (and is) generally fixed with reference to the numbers composing it; and the "Chowdree Mehtree," or "Mocuddum," apportioned it out under the superintendence of the Shuiter Mahajun, who are looked on with regard to the pranths in the same light as the Potail to the village. All these people listened to the representations of the persons to be assessed, reported them to the Camavisdar, and made the best agreement for those under them in their power.

4th. Were they distributed into classes by the officers of Government, or was it done among themselves?

4th. The classes were not changeable at the pleasure of either the officers of Government or the members of them, as they depended on the descent

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Answer.

descent of the individual; and I have not been able to hear of even one instance of a man of one class being included in another, unless his hereditary calling assimilated with some other one. Thus a Lohar or blacksmith sometimes performs the duty of a Sootar or carpenter, and will perhaps pay mohturfa as such; but if a Telee or oilman was to try the same experiment, he would still be ranked amongst the Telees and be charged for there.

Question. — *Answer.*

5th. If the tax had reference to the condition of individuals, what steps were taken to ascertain it?

5th. I have stated in the second reply, that no well-defined steps were ever taken to ascertain a man's condition in life. That the head of the class usually can give a tolerable guess on this point, and the individual's neighbours; but of course an assessment levied on such a system is very often erroneous, and a dealer of any class whose receipts and disbursements within a year will not be above 500 rupees, will perhaps pay as much as one whose pecuniary transactions involve lacs.

6th. What are the principal sources of profit and income to respectable Soucars?

6th. I am unable to answer this question except by conjecture, for of course the dealings of individuals vary as much in this country as in Europe. There are very few great Soucars in this collectorship. They deal in all descriptions of articles, such as cloth, timber, pearls, shawls, grain, oil and ghee, bullion, kerranak (or sundries, &c. &c.). They also discount and draw bills, lend money at high interest on good security, or articles placed in pawn with them, and are in fact always ready to speculate in any article on which they have a hope of benefiting. Of the profits of such general dealers it is of course utterly impossible to form the most remote idea. It is said they often lose by the untimely delay of their goods till the best period of selling them is past: and sometimes they are great gainers. A Soucar I am assured is considered fortunate who clears ten per cent. on his capital within the year.

7th. What is the highest and what the lowest amount of tax paid by individuals of this and the mercantile profession within your collectorship?

7th. The replies to this and the succeeding questions as far as the 12th, are contained in the accompanying table (A), to which I respectfully beg reference may be had. It has been prepared, after a careful examinaton, from the best data I could procure.

8th. Ditto. Cloth dealers?

9th. Ditto. Grain dealers?

10th. Ditto. Other dealers?

11th. Ditto. Silk and cloth weavers?

12th. Ditto. Jingurs or cabinet makers, cattle hirers, taylors, and other professional classes?

13th. What is the present mode of regulating these taxes?

13th. The ancient system has been preserved as far as was compatible with the strict mode of keeping our accounts, which calls for a scrutiny that was not considered requisite by the Mahrattas. The Camavisdars are ordered to keep a comparative statement of the persons of each class liable to pay mohturfa, to account for all increase and decrease in their numbers, &c. In villages we are obliged to take the Potail's word for the names of the Buneea, and to assess the latter accordingly. There are, however, it may be observed, many village Buneeas, or shopkeepers, who do not pay mohturfa, and never have done so.

14th. What are the defects of the system?

14th. They are numerous; but I apprehend it is easier to point them out than to suggest remedies. 1st. There

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Answer.

There is no principle or standard to judge of the ability of the payer to discharge the demand made on him, and consequently it may be too much or too little. 2d Poor individuals may, from the same want, be assessed higher than rich ones. 3d. The amount to be paid by members of classes is in some degree dependent on the head of the class, who favours himself and friends, and distresses those who are least able to bear it. 4th. It appears to me the tax, as far as the interests of Government are concerned, may be easily evaded by persons keeping out of the way at the moment the amount of the assessment is fixed, which requires to be done annually. 5th. The Shaithees, &c. may report individuals to be dead who are really not so; and 6th. The tax may be moderate enough one year, and so heavy the next (owing to a stagnation of trade or from some other cause) as to operate as a check upon industry.

Question.

15th. What rules would you suggest for defining the amount of the tax to be paid, so that it may in some degree be proportionate to income?

Answer.

15th. I would propose that the tax should be fixed on some regular scale, and not, as now, left to the opinion of the heads of classes, the Camavisdars or their Carcoons. I would oblige the head of the class to furnish a statement, under a penalty, of the means of every man in his division, to the best of his knowledge; and if I discovered he had made a false statement willingly, I would fine him. As soon as I got his statement, I would send for the individuals mentioned in it, and hear what they had to say, and if they shewed good cause to believe their condition had been overrated, I would reduce the sum opposite their names. I would next take into consideration the particular calling of each class, how far it was profitable, certain, or precarious. When all these preliminaries were ascertained, as far as might be possible, I would establish a per-centage on the estimated stock in trade (capital) of every individual in each class, and not allow it to be altered, however much his condition improved, under three or five years. This arrangement would operate as a spur to industry; it would still leave the heads of classes the legitimate authority they possess, whilst at the same time it would relieve those below them from groundless oppression; and finally, it would be in some degree a check on the imposition and peculations of our Camavisdars, who would have only to see that all new comers were registered on their arrival; but I would not give those officers the power of fixing the sum to be paid by any person.

I am not at this moment prepared to say what would be the per-centage on the capital of each individual or class. I should however be inclined to make it very low, perhaps not above one per cent.; but there should be a graduating scale to fix even the per-centage, so that where a man was either very poor or very rich, it should not fall too heavy on him.

(Signed) HENRY POTTINGER.

Miscellaneous Questions.

1st. What is the extent to which slavery is prevalent, and the customs observed regarding it?

1st. The slavery in the Deccan is entirely of that kind which may be termed domestic or household. The slaves seem to be of four kinds.

1st. Those who have been sold by their parents under the pressure of want during a general famine.

2d. Those who have been kidnapped or enticed away from their homes at a great distance, and disposed of in these districts.

3d. Those who have voluntarily followed Brinjarries and other travelling merchants from foreign territories, at times that scarcity prevailed in them, and who agreed to allow themselves to be sold when purchasers offered, as the only means of preserving their lives.

4th. Those sold by their parents to professional dancing-masters, to be brought up as such. These latter are all prostitutes.

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Answer.

The third class is perhaps the most numerous; but, on the whole, I cannot say that slavery is very prevalent in this part of the country. It is more so in large towns than in the villages, and chiefly confined to the houses of Brahmins and Moosulmans; some Potails also have slaves, but very few of the Koonbees.

Slaves used to be purchased at all prices, from 500 to 25 rupees, according to the circumstances of the moment and the recommendatory qualities the slaves possessed. Females were always the dearest, and their price depended in a great measure on their youth and good looks. They are usually, besides being the servants of the family, the concubines of the master of it; and where both male and female slaves were kept, they were allowed to intermarry, and the offspring, if any, were not considered slaves.

Question.	*Answer.*
2d. How far recognized by local usage?	2d There seems to have been no restraint on slavery of the kind alluded to in the preceding reply, beyond that imposed by the means of the people who chose to keep slaves.
3d. In what respect is the domestic different from the external or foreign trade?	3d. I have heard of no foreign slavery, such as was practised in Europe. Children of both sexes (and even men and women) have been brought into the countries from the territories of foreign powers, and sold here as described in the first reply; and probably they may have been exported under the same circumstances, but it does not form a source of trade.
4th. Assuming it to be necessary to allow mothers to dispose of their children in times of famine, what checks would you impose on the abuse of the practice?	4th. I am not of opinion that any rules are requisite, beyond the civil authority exercising (under particular circumstances) a discretional power in emancipating persons of either sex, who may apply to him. In 1819, a good number of people of all ages and sexes were brought into the districts under me from Beder, Hyderabad, Golconda, &c. (where a famine existed) by Brinjarries, who had gone to those places with grain. These people had come of their own accord with the Brinjarries, and had promised to allow themselves to be sold; but when they arrived in a country where they found they could support themselves by their labour, they objected to fulfil their agreement, and complained to me, as the Brinjarries had made use of them as coolies on the road; and as I did not consider myself justified in countenancing such traffic, I had it notified that if any one bought these people, they did so at the risk of losing their money; for (I added) should the slaves leave them, I neither would oblige them to return nor allow them to be forced to do so. The consequence of this notification was, that no one would buy a single slave, and the Brinjarries were glad to set them at liberty to save the expense of feeding them. In another instance a great many children were carried to Nassick, where the late Mr. Wilkins then was; that gentleman applied to me for instructions, and I directed that the children should not be allowed to be sold, but that they were to be given in charge of respectable householders, under the express stipulation that they were humanely treated, fed, and clothed, and to be considered free whenever they chose to quit their protectors.

Since the occurrence of these two circumstances I have had very few applications about slaves, and I believe the custom is rapidly falling into disuse: for the people of the country assumed from my measures that we did not approve of it; and that belief, combined with the natural turn of their inclinations, which is, I think, certainly averse to keeping slaves, has been sufficient to check the practice without any formal prohibition.

The complaints that have reached me of late have been almost entirely from Naiqueens, or female keepers of sets of dancing girls, from whom young

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young women, educated by them, have eloped with their lovers. In all these cases I was guided by circumstances in my decision. If the man with whom the girl had eloped agreed to pay her original price to the Naiqueen, and to declare the former free, I always sanctioned the arrangement; and even in instances where the girl showed that she had earned more for the Naiqueen than all the expenses she had incurred on her, including her price, I also took no means to force the girl to return, but left it to the woman to prevail on her if she could.

One good effect of the system I have pursued is, to ensure to the slaves who are still in the country the kindest treatment; but this may be said to be a negative advantage, because the people who had slaves appear always to have cherished them more in the light of members of their family than any thing else.

Question.	*Answer.*
5th. Would it be consistent with the former usage to emancipate the slave when he or she becomes of age?	5th. It would not be consistent with former usage to lay down any fixed rule to this effect: but the truth is, it is not called for. The people (at least in this collectorship) know our sentiments on the subject, and in a very short time, I fancy, there will be no slaves. I never hear of a purchase now, unless it is by some of the Naiqueens or a rich Brahmin, and in both these cases the girl (for it is now exclusively confined to females) may be, if we except the morality of her life, considered fortunate, as she is sure to be well fed, and treated with the utmost kindness.

1st. Was the sanction of Government necessary to successions or adoptions?	1st. Where the persons concerned were of importance, such as Jagheerdars, Enamdars, Zemindars, or great Soucars, it was, but not in trifling cases amongst the common people.
2d. Is the practice kept up?	2d. It is, and under the late orders of Government, perhaps more strictly than formerly.
3d. What nuzzerana was paid to Government on adoption or succession, or what fines in the shape of relief for renewal of jagheers and other grants?	3d. This entirely depended on the ability of the persons requiring the sanction and the pleasure of Government on these subjects. There were no fixed rules: one man would pay heavily where another got permission for a trifle, but something was almost always exacted.

1st. Is cotton cultivated, and to what extent, in your district?	1st. There is no cultivation of cotton in this collectorship from which any conclusion can be formed. It is supposed that out of 25,000 beegahs of cultivated ground, there will not be five sowed with cotton.
2d. Is there any import or export of the article from the district?	2d. It is imported from Berar in small quantities, but there is no exportation of it.
3d. What is the usual price per candy of 500 lbs.?	3d. So little does it form an article of trade, that the sale of a candy had never been known even in Ahmednuggur. It now sells at three seers and a half or seven pounds per rupee, so that 500 pounds would at the same rate cost about seventy rupees and a quarter.
4th. What is the time of sowing and plucking, and what the usual mode of cultivation?	4th. The season for sowing is in Ahur (or June and July), along with the khurreef crops, and it is plucked in the months of Poush and Magh (January

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Answer.

(January and February). The mode of cultivation is little attended to here. The field being cleared, the seed is rolled in clay, and thus deposited in the ground, by a sort of large drill called a moghur; after this, when the bushes are six or seven inches high, they are kept earthed up by some, while others do no more than weed them, which is done as may seem requisite till the crop is ripe.

Question.	*Answer.*
5th. Is the soil of the district generally calculated for the growth of cotton?	5th. The first class of black soil is the only one in this collectorship which would produce cotton, and even then the crops would depend entirely on the fall of rain. It is generally thought that the quantity of rain which falls in these districts, on an average of years, would not be sufficient for the growth of cotton. The natives have also an idea that if rain falls in the nakshutra called "swatee," which occurs this year between the 22d of October and the 2d of November, the cotton is utterly and irrecoverably destroyed: and to support this general belief they have a proverb signifying, if the swatee (rain) falls, there will be no cotton even for the wicks of lamps.
6th. What is the rent of land capable of producing cotton?	6th. The cotton will only grow here in the best black soil, of which the rent varies from two and a-half to two rupees per beegah.
7th. What is the aggregate of the expense of the cultivation of cotton?	7th. It is impossible to form any conjecture, even, on this subject, owing to the custom being almost unknown.
8th. If the soil is favourable to the growth of cotton, what is the best mode of encouraging and extending its cultivation?	8th. I fear no mode of encouragement could be devised that would ensure the object in view. I do not mean to say that the people might not be induced by rewards to increase the cultivation of cotton, but the want of a certain supply of rain is an obstacle that we cannot remove.

1st. Are boundary disputes frequent?	1st. They are; but of course they diminish daily, for few new ones spring up, owing to our constantly adopting measures to ascertain at the moment the rights of the claimants.
2d. What is your mode of settling them?	2d. Chiefly by punchayets; and where they fail, by the different methods resorted to by the natives themselves, such as kreeahs, or ordeals performed by the Potail. I need not enter into a long detail of the nature of these ordeals, as I have frequently reported on them before. Where the punchayet and they also fail, I always direct the Camavisdar either to allow the disputed land to lie fallow, or to have it cultivated by the people of some village that has nothing to say to the affair. This plan I think much more effectual towards obliging the parties to come to terms, or else to have a punchayet, than any other I have tried.

1st. What is the number of Sebundies kept up for forts or military purposes?	1st. The police Sebundies were of the following strength on the 1st May 1822:

Soobadars	11
Jemadars	27
Duffadars	143
Privates	1,437
Total	1,618

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Question.	*Answer.*
2d. What is the number of mehaul Sebundies attached to each talook for revenue or police purposes?	2d. Their numbers are as follows:

	Jemadar.	Duffadar.	Privates.	Total.
Nuggur	1	3	39	43
Parnair	0	2	20	22
Sungumnair	1	2	30	33
Neywassa	1	4	50	55
Shewgaon	0	2	25	27
Patadar	2	4	70	76
Chandore	1	4	60	65
Nassick	2	5	90	97
Wunn Dindoree	1	4	40	45
Sinnar	1	4	30	35
Ankola, &c.	2	4	50	56
Kurmulla	2	6	75	83
Koortee	1	4	50	55
Kurdah	0	2	25	27
Jamkhair	0	2	25	27
Rahory, &c.	1	2	40	43
Koombharee	1	2	30	33
Total	17	56	749	822

1st. What is the number of Shetsundies, or village militia, who hold service lands?	1st. There are no persons who hold service lands of this kind within this collectorship.

1st. Would it be politic to establish the use of stamps in judicial and other proceedings, or do you consider it better to defer the measure at present?

1st. In my despatch of the 13th of January 1822 I recommended the introduction of stamped paper to a certain extent: subsequent inquiries have tended to confirm the opinion I had then formed of the advantages to be expected from the measure; it would check all groundless litigation, while it would leave our courts as open as they now are to persons who really had cause for complaint. I do not mean that stamped paper should be required on revenue complaints, only in cases where one man complains against another. A common Mahratta is, in this point, a curious sort of being: for he is never so happy as when he can get some one to listen to his complaints; and rather than say nothing, he will invent a story. I remember when I was one day (about two years ago) sitting with the Goossayen of Dytna, on whom I had called as I passed his village, a Koonbee came to complain to me of the great inconvenience he suffered from the proximity of his village to the Seroor cantonment. Several other men seconded his representation; and as the cantonment was then about to be removed, I told them they would not long be troubled with it. The instant they heard this intelligence they expressed their sorrow at the intended removal of the troops, and confessed they were a great source of profit to the surrounding villages. The Goossayen himself, who is a very sensible respectable man, observed that this was a true picture of all Mahrattas: for (added he) if a man at work in a field sees you coming down a hill on horseback, a mile off, he instantly says to himself, "Here is the Saheb, what complaint shall I make to him?"

The introduction of stamped paper would, I conceive, only operate as a preventive to groundless complaints; and it would in this view be very useful, for the people are too fond of making them; and the unaccountable gratification they seem to derive from it often leads them to neglect their fields, families, and stock, till they are ruined, or nearly so. They

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Answer.

They then become, as it were, desperate, and if their suit is even rejected or decided against them, they set off to Bombay or to Poona to hand up petitions to Government or the Commissioner. On these grounds I should be glad to see stamps introduced.

(Signed) HENRY POTTINGER.

Abkaree, &c.

Question.	*Answer.*
1st. What is the revenue derived from the abkaree branch?	1st. The total revenue from this source in fusly 1230, was Rs. 9,923. 3. 93.
2d. Is the privilege of selling spirits or toddy, &c. rented or otherwise?	2d. Yes, it is rented to the highest bidder by public auction.
3d. If rented, are the licenses for whole divisions, or for single shops or stills?	3d. It is rented by the different Camavisdars within their range. The renter of the pergunnah afterwards makes such arrangements as he thinks fit with the owners of shops.
4th. Is the number of shops and stills limited?	4th. It is not peremptorily limited to the shops that were authorized under the Mahratta authority. Wherever I have heard of a new shop being set up, I have had it put down instantly, even though it was in a village of Scindia's. I consider the great restrictions under which the abkaree revenue was administered by the late Government to have been highly praiseworthy, and I endeavour by every means to prevent their being infringed. On this subject I beg reference may be had to the 29th and 30th paragraphs of my despatch of the 31st January 1822.
5th. Are the prices fixed, or any other restrictions imposed on the sale?	5th. The price is not fixed as to the quantity to be sold for a rupee. A translation of the rules I laid down for the farmers is herewith transmitted. I have received orders about fixing the selling price in concert with the military authorities, but I have not had leisure to do so. I think the system, to be effectual, should be made general, and I strongly recommend a scale being laid down and adopted.
6th. Under what restrictions was this branch conducted under the old Government?	6th. During the better times of the Mahrattas no one could get liquor to buy without a permit note from the Camavisdars of the district. Latterly this rule had been overlooked, but still the restriction as to the number of shops was rigidly maintained.
7th. What changes have taken place since the conquest?	7th. See the preceding replies.
8th. Are licences issued for the exclusive privilege of collecting fines for transgression of the rules of particular castes?	8th. No.
9th. For the exclusive privilege of selling tobacco, ganja, bhang, betel-leaf?	9th. Not for the sale of tobacco or betel-leaf, but for that of bhang, ganja, opium &c.
10th. Or for any other monopolies?	10th. With respect to any other monopolies I have followed the practice of the Mahrattas; I only now recollect those for the sale of fire-wood (for burning corpses), tamarinds and ghee; also the right of bung broker on the sale of pice (tandool dullallee), which are in force in the town of Nassick alone.

11th.

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Question.	*Answer.*
11th. Specify each branch of this description that may be included in your jummabundy, explaining the rules and principles on which each is conducted and administered.	11th. The amount of the contracts for the sale of liquor, bhang, ganja, &c. is fixed in khists, like any other portion of the revenue, and paid monthly. The minor monopolies, such as for the sale of tamarinds, fire-

wood, &c., are annual, and fluctuate according to circumstances. They are all included under the head of swaee jumma, and they will be found on the table marked B, accompanying the 24th. question on revenue affairs. I here annex the questions which I circulated to the Camavisdars under me, on the receipt of the Commissioner's letter of the 21st of August 1821, and the two tables (A and B, Abkaree) which are herewith forwarded, will shew the result of my investigations.

1st. How many liquor-stills are in your district?

2d. How much liquor is made per month from each still on an average, and what will be the value of the whole?

3d. What expenses attend each still per month?

4th. What is the selling price of a pukha seer of liquor in your district?

5th. Have you fixed the selling price of liquor, or is it left to the option of the maker of it?

You are hereby directed to send a careful Carcoon into your district to ascertain the above points. If any of the liquor-makers hesitate about giving explicit answers on the spot to these questions, you will bring them to the tannah, and obtain the required information. You are to include all Circar's khalsa villages; also those belonging to Scindia, Domaldars, &c. in this inquiry, and to send full and correct answers as quickly as possible.

Dated 28th August 1821. (Signed) HENRY POTTINGER.

CUSTOMS.

1st Question.

On the subject of Customs I am perfectly unable to add any thing to my despatch of the 24th of August 1820 to the Commissioner, a duplicate of which I herewith transmit. The total want of principle and system in the collection of this branch of the revenue will be evident from a perusal of that despatch, and the necessity for a revision of the whole has become every day more forcibly impressed on me. There are no nakahs, or chowkies, for the exclusive collection of the oobah magh, uroh margh, stulbhurcet or stulmorh, as the same persons are employed on all branches of the customs, and are very frequently paid according to the amount of the sums that pass through their hands.

2d Question.

I have a table in preparation, shewing the articles composing the foreign trade of this collectorship, and the general direction of it, which shall be submitted as soon as it is completed; but this will require a little time, owing to the non-receipt of replies to references made on this point to the Camavisdars of each district under me.

The variations in the rules on different routes, and at different stations, are shown in the tables already transmitted with the despatch alluded to; and from them will be seen, as far as it is possible to define, the highest as well as lowest rates charged on goods of all descriptions; likewise the remissions usually granted in particular pergunnahs or to particular individuals; the amount of the rights of the Roossoomadars are also detailed in those tables. I propose, however, to form a more compact table, which shall be hereafter submitted; but I am doubtful whether it will be found so explanatory, owing to the omission of the lengthened details.

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3d Question.

The internal trade is not susceptible of any explanation beyond what I have given in the despatch and its accompaniments, because there is no defined course for it, and the present system of zukaut has almost entirely put a stop to any thing of the kind.

4th and 5th Questions.

The same observations apply to the fourth and fifth questions.

6th Question.

The sing singotee varies in every bazar in the country, and unless we collect list of all the villages, and show how it is charged in each, it is not practicable to reply to this query. The average amount of it is about five per cent. taken throughout the Deccan. In some places it is eight, nine, and ten, and in others two, three, and four.

All other items of custom revenue that have come to my knowledge are explained under their different heads in my despatch, such as nakhas, wullole, chihuldo, chappa, &c. I have not included bytuk, or tax on stalls in bazars, in this list, because it is leviable as mohturfa, and depends on the particular profession or trade carried on in them.

8th Question.

The practice of the late Government with regard to levying customs has been strictly adhered to, with the exception that the number of dustuks or passports for supplies brought to our military boards have been prohibited, and that all European articles, except those for private consumption of the Company's servants, are now subject to the payment of duties. I should suppose these innovations have rather tended to check trade, by imposing additional burthens on it: but in the absence of all materials to form a comparison, I offer this as a mere conjecture.

9th Question.

The nemnooks of Zemindars, &c. are shown in the tables. They are a certain portion of the sum collected by Government, but appear as if distinct, because they form a per-centage on the total zukaut, and a corresponding deduction is usually made in the dues of the Circar. I know of no allowances to temples or mosques from this source, nor of any collections made by Potails, &c. that are not alluded to in the accompanying despatch.

10th Question.

I regret my utter inability to furnish the statements required by the tenth question. I have called on the zukaut farmers repeatedly to keep their accounts in the detail that would enable them to answer interrogatories of this description, but they have invariably replied that they cannot afford it, and added that, even if they were allowed a remission in the terms of the agreement on this score, they could not get people to undertake the duty. They have, however, now agreed to give me a statement of the imports, and the places they were made from, as far as their information goes, and I shall send a translation of it (if ready) with this paper. I may here repeat what will be understood perhaps from the despatch, that there are no custom regulations exempting any article from payment because the duties have been once exacted on it.

11th Question.

With respect to the 11th query, my sentiments are perhaps sufficiently exhibited in the despatch; but I may here expressly state, that I look on the present system of the custom revenue as having the most baneful effect on trade, manufactures, and agriculture. I have known recent instances of persons carrying the produce of the country, such as grain, ghee, oil, &c., to Bombay from Ahmednuggur; and though the value of the goods (at the selling prices of both places) was considerably more than double at the former, yet the duties were so heavy that the speculators absolutely lost on some articles, and barely cleared themselves on the whole. If the customs on grain were even abrogated, we might hope to see a portion of the immense consumption of Bombay in that article supplied from the Deccan, from which territory there is a constant drain without any equivalent, and the agricultural distress which is fast approaching, renders

renders some measure on the part of Government indispensable. I am of opinion that the farming system is better adapted for our Government than the aumanee; but if a revision takes place, I would suggest the latter being adopted for two or three years, until the probable effect of our arrangements can be pronounced upon.

Revenue Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

(Signed) HENRY POTTINGER,

Mr. H. Pottinger's Replies to Queries, 31 July 1822.

INSTRUCTIONS *to* SHAIKDARS *under the Collectorate of Ahmednuggur.*

Deccan.

1. Reposing confidence in your abilities, I have appointed you to be a Shaikdar; and according as I find you discharge your duties, I shall promote you to some more lucrative charge. The following are the rules laid down for your management of the villages placed under you.

2. It has been settled that the revenue from individuals (koolarey war jumma) shall be received at six instalments, and you are accordingly to do so through the Potail and Koolkurnee, and remit the collections to the Camavisdar, obtaining his receipts.

3. The Ryots will sometimes pay in various kinds of rupees, on which there will be butta or exchange, therefore you are always to cause them to receive a receipt from the Potail, &c. at the time of payment, detailing the butta and each kind of rupee.

4. The gaum khurch has been fixed at a per-centage, and you are to look after its expenditure, and obtain a full statement of it, including wurshasun, dewastan, dhurmadow, khyrat, &c. attested by the Zemindars, and submit this to the Camavisdars at the close of the season.

5. With a view to increasing the cultivation of waste ground, you are to get the Potails, &c. to bring the Ryots to you ready to do so. The periods for Bunjur (or old waste) land, is from Kartic till the end of Pounsh (November to the close of January); and that for pureek (or fallow) land from Mugh (February) till Wyshakh (the end of April); therefore you will pay attention to these periods, and having ascertained the kumal, you will get cowls under the Camavisdar's seal for the Ryots. You will keep a register of all cowls.

6. Should any extra assessment beyond the amount mentioned in the lease be made in a village under you, you will be obliged to refund the amount, besides paying a heavy fine, and will also be punished.

7. You must be constantly moving about the villages, and carefully examining the cultivation field by field.

8. Should any serious disturbance take place in the village, you will instantly report it to the Camavisdar.

9. You will pay strict attention to all deaths in, and desertions from the village; also to the means of every one of the Ryots; and you will report on all occasions to the Camavisdar, keeping a register yourself.

10. You will realize the revenue of the present year in proper time, and at the same time arrange for the cultivation of next year.

11. The Circar makes advances of tuckavee through the Camavisdars to Ryots who are in distress, or willing to cultivate waste ground; you will therefore arrange this point in the village, according to the proportion of the Ryots' ground, and having security, and also got the Potail to be responsible for the village, you will then get the tuckavee paid, and will see that it is recovered in due time.

12. According to the foregoing rules you will conform yourself, keeping detailed accounts of the Ryots, and of every description of soil; and you will bear in mind the Circar regulations, and not dare to infringe on them.

(Signed) HENRY POTTINGER.

H. POTTINGER, Esq. *to the* COMMISSIONER *in the* DECCAN, *Dated the 24th August* 1820.

Customs.

Revenue Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Mr. H. Pottinger, 21 Aug. 1820.

Deccan.

SIR:

1. I have the honour to acknowledge the receipt of your letter of the 31st December last.

2. The subject to which it relates is one of the most complicated and difficult, from its irregularities, to be understood, that I have yet had to report upon, relative to our new possessions; and though I have lost no opportunities of making inquiries on it, I still fear the present despatch will be found defective on some points on which it would have been satisfactory to Government to have had more precise information.

3. Previous, however, to entering into a detail of the result of my investigations, I shall briefly reply to two of the queries contained in your letter, which only appear to demand simple answers; and in the sequel of this despatch I will, with reference to the other questions, submit my opinions and the grounds of them for your consideration.

4. I have accordingly to acquaint you that the inland transit duties are at present levied on all goods passing through the Deccan, without adverting to their having been before paid in the Concan, and that the number of stations at which such duties are leviable depends on the size of the districts through which the roads lead.

5. An enclosure to this despatch will shew the multitude of such stations; and there are even others to be added to them, held by Enamdars, &c., to which I shall allude in a future paragraph.

6. I now proceed to state the information, as to the past and present systems, with which my inquiries have made me acquainted.

7. The customs in the Deccan are of three different kinds.

8. The first, which is called rahdaree, or cobha margh, is the transit duty, and is levied on goods passing through the country, or from one part of it to another.

9. The motives for levying this tax are esteemed by the natives to be, to provide for the payment of Sebundies to protect merchants who are travelling with their goods; likewise to repay Government for the ground occupied by the roads, and to defray the expenses of repairing ghauts, bridges, &c.

10. The rahdaree is to be paid in each pergunnah; but it should neither be required from mere travellers, who are not conveying any thing to sell, nor Ryots who are carrying trifling articles for their own use. When it has once been levied from dealers in a district, it ought not, strictly speaking, to be again so; yet Jagheerdars who hold villages on or near the highways have almost always, under the Mahrattas, been accustomed to collect a small toll on articles passing them; and even in some few instances, the transit duties have been of late forcibly exacted a second time at the Government nukas, or custom chowkies.

11. The great number of such nukas which we find in each district are considered requisite, because merchants generally endeavour to avoid great towns or villages, and like to travel by bye-paths, as being nearer; and consequently if there were not chowkies in all directions, they might sometimes pass their goods through a district without paying any thing.

12. The rahdaree is usually collected at the first nuka in a district at which the goods arrive, and a receipt is there given which exempts them (or should do so) from all further demands on the part of Government whilst in that district; but should they be destined to be sold at the chief town, or anywhere else in the pergunnah, it is a common practice to take something in pledge for the customs, and to allow the articles to pass. When the duties are paid at the choutra, or market-place of the town or village to which they are carried, the receipt there granted is sent to, and produced at the naka, and the pledges are restored.

13.

Revenue Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Mr. H. Pottinger, 24 Aug. 1820.

Deccan.

13. The rate of the rahdaree duty is very fluctuating, and I have in vain attempted to trace any fixed principle by which it has been established. The causes which have led to this fluctuation seem to be the extent of districts, and the consequent length of the roads; the number (recently) of Jagheerdars' villages; the private cowls and immunities granted by merchants to Government or its officers; and the contending interest of the Mamlutdars who farmed out the customs to speculators, the latter of whom did naturally all in their power to induce dealers to come through their respective divisions, by allowing them large remissions. This latter cause operated, of course, principally in districts through which there was from their situation a great thoroughfare; and, on the other hand, in places where there was little transit trade, the farmers made the most of the few convoys that did pass, and extorted heavier tolls than they could justly claim. To add to this confusion of rates it seemed inferrable, that the customs were originally calculated with reference to the goodness or otherwise of the soil which was included in the roads, and, as before observed, to their frequency and dimensions.

14. In addition to the rahdaree duties, already alluded to, the Potails throughout the country have from the earliest times collected a small fee under the name of "wuttoolee," on convoys which halted for a night at their villages. This was intended as a reward for watching the goods, and for the services of the Dharrs of the place, in bringing water, forage. &c. It is said to be cheerfully paid by the dealers; and, exclusive of it, the Peons at the different chowkies also claim some very trifling remuneration, which is termed "pan soopary," on articles passing their nakas, even though the duties should have been before discharged. The merchants do not seem to have ever objected to the payment of this perquisite, which was in some places included in the farm, and therefore carried to the Government account; and in others it was enjoyed by the Chowkedars and Carkoons employed in the customs.

15. A further demand on goods which must be entered under this head is where people have assignments on the customs, and authority by sunnud to collect the amount of them; but these are very rare, and might be easily commuted into payments from the treasury. There is likewise a very ancient tax, called "chihulda" (forty-two), which is levied on Brinjarees exclusive of the rahdaree demands, paid by those people in common with other merchants, because their bullocks' pack-saddles are made of one piece of felt, or carpets, and have no cruppers, but a raised place in front (which fits on the animal's hump), to keep the load from slipping. This curious tax the Brinjarees try to evade, by giving nuzzurs to the Government or Mamlutdars, and obtaining cowls to excuse them from the payment of the "chihulda;" but whenever the farmers have the power to do so, they are sure to exact it.

16. The second sort of customs is the thulbureet or burramud, or export duties.

17. They are leviable on goods brought in any particular place for the purpose of being transported away to be sold; they may be levied twice or oftener on the same articles, because if a dealer carries grain or cloth, or any kind of merchandize out of one district or village to another, and there disposes of it to a third person, to be removed still farther, the thulbureet is due on each transaction, and it is also to be recovered from cultivators who are exporting the produce of the country, whether to sell or not.

18. The thulbureet, like the rahdaree, is not levied in all places at the same rates: and this is explained by those acquained with these matters to be owing to the difficulty of obtaining a quantity of any article in a small district in which there may not be towns, and where the dealers consequently have to incur expense and considerable trouble in collecting what they want. Where towns are numerous, and things are to be procured at a moment's notice, the thulbureet is high; and it is so likewise in places which produce any article that is in great demand, and not common to other districts, because it is sure of a ready sale at a large profit. By the same rule, where the products of any district are little sought after, and consequently seldom exported, the thulbureet is very low.

19. The third sort of customs is the thulmore or duramud, or import duties.

20 It

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Deccan.

20. It is levied on goods brought from one place to another to be sold, and is recoverable from the seller.

21. The natives consider its objects to be to remunerate the Government for the expense of having bazars, and other places assigned for the convenience of dealers; for establishing weights, measures, and bazar regulations; and finally for paying Peons, Kotwalls, and public servants of different denominations, to guard merchants from swindlers, thieves, &c., who would otherwise put a stop to all traffic.

22. The thulmore, as the thulbureet, varies in its rate. In towns and large villages where there is a good demand for goods it is rather high; and in places that have little trade, and articles hang heavy on hand, this tax is more moderate, and also often much lower to one dealer than another.

23. It has been already said, that neither rahdaree nor thulbureet is to be levied on cultivators, and such persons who buy trifling supplies for the consumption of themselves and families; but if people of that class have bought any thing, however small the quantity, and wish to sell it again, they must pay the thulmore, because they are looked on in the light of dealers.

24. One species of thulmore is called "nukkas," which is a tax on the sale of living things, whether men, horses, cows, buffaloes, sheep, goats, &c.; and this being levied, is considered to check cattle-stealing and disputes, which it certainly does, both by the publicity it gives the transaction, and by its being seen from it that animals are not sold at fictitious prices: for when the nukkas has not been paid, and a receipt granted for it according to the value, the purchaser of any animal forfeits the whole sum if it is subsequently discovered to be stolen.

25. The chappa, or fee on stamping cloth or such goods, is another branch of the thulmore. It is taken in most cases at the selling price of the day, but there are also instances in which it is a fixed monthly tax on the labour of one man.

26. The preceding paragraphs contain a summary of the whole system of customs as understood and now in force in our new provinces, and it remains to inquire how the great irregularities which are evident throughout it could be rectified, should it be deemed expedient to introduce a mere reform.

27. The first step, in my judgment, towards that most desirable end, will be the immediate and positive abolition of the right of Jagheerdars, Enamdars, and Sirdars holding villages to levy customs. Very few of those who now do so can show any authority for such a procedure; but even where some court favourites or others have contrived to get the customs introduced into their sunnuds, I beg to suggest that they should be remunerated from the treasury, according to the average rate of the customs collected by them for a given term of years; and where chiefs have a number of villages in one pergunnah, they might be paid their proportion of the zukaut (if it is granted to them in their jagheers) of the whole district. Thus, for instance, if a Sirdar held ten villages in a pergunnah consisting of one hundred, he would be entitled to a tenth of the customs at the end of the fusly.

28. The possessions which Scindia holds in the Deccan may appear at first sight to be a serious obstacle to this arrangement; but I beg to observe, that I do not conceive that Prince's claims entitled to any greater consideration than those of other Jagheerdars, unless it is in districts like Shewgaon and Chamargoonday, where he has a half, or even more, of the revenue; and there I would obviate the inconvenience by fixing the proportions to be received by the Zukautdars of each Government, with reference to the villages they respectively hold.

29. I would not object to Scindia levying the import and export duties as he thought proper, in his own villages, because his exactions would speedily, when compared with our regular system, either put an entire stop to all trade in them, or would oblige him to adopt our standard; but I would comprehend the thulbureet and thulmore in the prohibition to Jagheerdars, &c, and have those duties levied on goods coming from or going to their villages, at the nearest

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nearest Government chowkey, unless there should be such actually established in the places they hold.

30. I also beg leave to recommend that the fee levied by Potails under the name of wuttole shall be so far proscribed as not to be leviable unless for services done; and that the perquisite termed "pan soopary" shall be peremptorily prohibited under the most severe penalties and punishments. The amount of the "wuttole" I shall hereafter consider, when I come to examine the rates of duties.

31. The thulbureet and thulmore must, from their very nature, be levied wherever they become due; but it appears very desirable to do so by the rhadaree, at one station. The natives object to this, and say that it would be a loss both to the Government and the merchant: because the latter might say he was only going a short distance, and yet he might go a long one; and, on the other hand, he might really intend to carry his goods a great way, but meet with such a market for them as would induce him to dispose of them before he reached his proposed destination. The number of jagheer villages, they also justly observe, would facilitate frauds on the part of the Soucars.

32. The latter objection would be obviated by the plan proposed in the twenty-ninth paragraph, and the two others could be easily removed were this arrangement to be adopted: for in the passport given to a merchant might be entered in detail the number of his convoy, the quality of his goods, and the places he sets out from and is bound to; and should he proceed farther, the additional duties would be demanded at any equi-distant station; or should he not go so far, the requisite drawback might be allowed to him when he pays the thulmore.

33. The real difficulty, however, in making an arrangement of this sort lies in the entire want of a scale by which to judge of the proper amount of customs. To demonstrate this I have prepared a number of statements, one of which shews the duties levied on a certain quantity of articles of different values, between the top of Bheer Ghaut and Ahmednuggur, in a distance not exceeding forty-five coss.

34. It will be seen from that document that the duties on some articles are equal, or nearly so, to the original price, and that on others they are not above the hundredth fraction of one per cent., as in the case of nutmegs, &c., and even so low as a six-hundredth fraction on opium. It is also to be observed, that the heaviest duties fall on the absolute necessaries of life, whilst its luxuries can hardly be said to pay at all.

35. The reason for these strange regulations it is difficult to conjecture, unless they sprung from the short-sighted carelessness and apathy of those by whom the rates were originally fixed: for had the higher priced goods been charged at a standard proportionate with the cheaper ones, it is to be concluded that the total annual amount of the collections might have been more than they now are, even after a large deduction had been made in the rates on articles of small value.

36. The frequency of nakas is also another great evil: and this has been augmented by the Mahrattas in a manner which would almost lead to a belief that they studied how to destroy all inland trade; for we find phootgaums or detached villages on roads which have no connexion with their reputed districts, as is exemplified in statement 2, in the village of Saroda, on the high road to Ahmednuggur, being considered in Parnair, though it is quite separate from that pergunnah.

37. Were the goods shewn in this statement to be carried beyond the Godavery, they would, in addition to what is therein shewn, be charged rahdaree in four other places, whatever road the owners might choose, for the villages above the range of Ghauts north of Ahmednuggur are reckoned in different mehauls, though they are really situated in the talooka of Nuggur Huwela; and those below the Ghauts, which are in pergunnah of Newassee, are in like manner allotted to separate districts. To evince this we will suppose the merchant selected the Nimbah Derah Ghaut, and in that case he would pay at

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Ahmednuggur	Nuggur Huwella.
Nimba Derah	Barragaon Nandoor.
Rahoory	Rahoory.
Neywassee	Neywassee.

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38. If the goods were to cross the Godavery at Kopergaum they must pay in five places, *viz*. Ahmednuggur, Nimba Derah, Rahoory, Baulapore, and Khoombharree; and if they went more to the westward, there is Korhalla, Daipore, Sunjummair, Suiner, Nassick, &c. &c., each of which have their nakas on account of Government, exclusive of the villages belonging to Scindia and other Jagheerdars and Enamdars.

39. That a revision and amelioration of this wretched system would tend to a general and rapid increase of the trade in our new provinces, I have not the least doubt. But it is only by a comparison of the rates throughout the conquered provinces that any decisive arrangement can be made; and under this impression, I have had tables prepared by many of the Camavisdars under me, which will shew the matter in a clearer light than the most lengthened despatch.

40. It is not, however, to be understood that these rates are universally adopted; on the contrary, in some parts of the country there are exemptions granted to dealers of particular towns and villages, and in many districts the merchants of the same places pay by a different scale. These merchants are in real truth a sort of brokers; they are denominated Hoondykurrees, and they are often employed by petty dealers to make agreements for the customs to be levied on their convoys, which they do in the following manner.

41. When a certain number of petty dealers of a town or pergunnah (Barsee, for instance) are about to speculate in rice from the Concan, or in other goods from a distant place, they repair to one of the Hoondykurrees and settle the number of bullock loads they intend to have in their convoy, and make a bargain with him that he is to defray every sort of duty to the place of destination, on consideration of his receiving a fixed sum. The Hoondykurry next applies to the farmer of the customs or to the Government Mamlutdar (as the case may be), tells him he will pass through his district if he will grant him a handsome remission, and that if he will not do so the goods shall be transported by another route. This threat is generally so easily put in force that the farmer soon comes into the views of the Hoondykurry, and the latter reserves to himself whatever overplus there may be of the original sum he has had from the dealers.

42. It is quite obvious that this method never would answer under a regular Government like ours. Exclusive of the total confusion of the accounts, if any such could be prepared, it would open a ready door to peculation and bribery; for as it would be utterly impossible for the Collector or his Assistants to give up their time to the minor details, much must necessarily be left in the hands of Camavisdars and other revenue officers, who, were nothing fixed, would assuredly avail themselves of the fact to turn the business to their own private emolument.

43. If Government should be adverse to the introduction of a totally new system with respect to the customs in the Deccan, the suggestions I have ventured to offer in the 27th, 28th, 29th, 30th, 31st, 32d and 33d paragraphs of this despatch seem to me to be best calculated to improve the present mode of collection. But I am of opinion that an entire alteration of the whole is most desirable; and though in some cases such a change might clash with the prejudices and interests of a few, yet the great body of our new subjects, whether merchants or cultivators, would benefit by it.

44. I should therefore be happy to see the present confused system abolished, and ours introduced, which would combine simplicity with a due consideration to the interests of Government, and the comfort of the people of the country.

45. I feel my own inability to propose any very decided plan on this topic, because to do so would require a thorough knowledge of the trade and localities of the whole country conquered from Bajee Rao; but I can conceive no mode

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mode of levying duties that would be so simple and fair as that of a per-centage on goods estimated on the selling price of the day, on the spot where the customs are to be recovered.

46. The amount of this per-centage should perhaps vary according to the articles. The highest rate would of course be upon the luxuries of life, and probably six or six and a-half per cent. would be about the mark. Grain exported from our territories, till they shall have arrived at a state of affluence and prosperity might pay four per cent., and importations of the same kind, two or two and a-half, or perhaps be exempted altogether.* Cloths are so variable in their prices, that it would demand a scale to be fixed especially for that branch of trade; a bullock-load of some of the richest manufacturers of keemkhab, silken loongrees, &c. would be worth from ten to twenty thousand rupees, and on the other hand a quantity of the same dimensions of coarse stuff would perhaps not cost more than one hundred.

47. These facts will demonstrate the necessity for a separate scale; and I would suggest that it should be formed, not with immediate reference to the value of the cloths, but to the place of their manufacture, their usefulness as apparel for the natives, and the probable increase to the trade in them by granting dealers easy terms. For instance, the rich gold cloths of Benares, Pytan, and Ellichpore, being merely intended for the wealthy, they should be taxed, and a corresponding deduction made in common cotton sarees and chintzes, and white coarse cloths, which are the chief covering of the poor classes of both sexes.

48. The duties on horses have been already abolished by the orders of the Honourable the Governor in Council. Those on other cattle are still in force, and I consider it desirable to keep them up for the reasons stated in the 24th paragraph of this letter. They might, as now, be estimated on the sum of 100 rupees, and would perhaps be best included under town duties.

49. The wuttole, or fee demanded by Potails, is in fact, as already stated, a charge for services rendered, and I consider it might be retained on a fixed scale; and on its being expressly understood that it was not to be paid if the village did not watch and become responsible for the goods and bullocks that were used in transporting them. About two rupees on one hundred bullock-loads, whatever might be their value, would in my opinion be a sufficient consideration.

50. The thulmore and thulbureet (or buying and selling duties) which are perhaps more appropriate terms for them than import and export, I would abolish entirely; nor would I make any reference to the length of way goods had to go in adjusting the rates of customs, for I would proceed to do so on the principle that the expenses of carriage were a sufficient charge on merchants carrying their merchandize to a distance.

51. The chappa, or fee on stamping cloths manufactured in our own territories, might, if it is deemed proper to continue it, be fixed as one of the town duties; and any person purchasing an article without the stamp being placed on it, in the presence of a person appointed to superintend that branch of the revenue, should be considered liable not only to have such articles seized, but to be further fined according to the value. This chappa might be collected at the kusba, or largest town in each district, and cloths made in villages and obscure places could be taken there by the weavers to be stamped before they were sold. I should think from fifty to twelve and a-half reas in the rupee (fixed with reference to the description and value of the cloths) would not be too much; but I offer this opinion with great deference, as I am not at all versed in these affairs.

52. I consider it to be superfluous to suggest the different precautions and penalties that would need to be established to prevent smuggling. I would venture

* The changes that have already taken place since this despatch was written render it advisable to exactly reverse this plan, by fixing heavy import duties on grain, and exempting that article when exported from all charges. Unless something of this latter kind is done, I foresee that the country will be overstocked with produce, whilst cultivators will be (as is the case in England) totally unable to pay their rents.—16th August 1822.

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ture to recommend that passports should be printed, and deposited at all the nakas, to be filled up when the duties were paid; and these might be sold as stamped paper is, if the expense was considerable.

53. The immediate effect of the change which I have contemplated in the latter part of this despatch, would probably be an increase in the expense of servants employed in the customs (were they not farmed out), and I am likewise doubtful whether the collections for the first year or two would not be less than we receive at present; but, on the whole, the measure could not fail to add to the eventual prosperity of our territories, and to increase the trade in a rapid degree, as soon as the system was understood, and the merchants saw that it was strictly adhered to.

54. Having been called upon, through their Secretary, by the Committee of Customs appointed at the Presidency, to furnish them with such information as I had collected or could acquire on the subject of this despatch, I propose to forward copies of it, and likewise of its enclosures, to their Secretary, Mr. Bruce; I should also, in explanation of the commencement of this despatch, furnish that gentleman with a transcript of your letter to me of the 31st December 1819.

55. The delay that has taken place in the preparation of the papers accompanying this, has originated in the difficulty and vexatious troubles I have had in obtaining replies to queries that I prepared and sent to Camavisdars in various parts of the country; I also considered it advisable to furnish them with forms for their returns of rates, &c., instead of leaving it to themselves to collect a mass of undigested accounts, which would have tended rather to perplex than otherwise.

56. Should there be any points which are deemed of importance by you that I have not alluded to, I shall be happy to endeavour to procure information regarding them on receiving your instructions; and in the mean time I must respectfully plead the difficulties of the subject for the omissions that may appear in this letter.

I have, &c.

(Signed) H. POTTINGER.

Sr. JOHN THACKERAY, Esq.

(No Date.)

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1. In fusly 1228 the length of the district was calculated to be 240 miles, and its breadth from 70 to 150 miles. The territory lately obtained from the Nizam in the Colapore division is about 75 miles by 20; but until the completion of the survey no estimate will be satisfactory.

2. The statement No. 1 shews the population on each square mile for all those talooks in which it has been possible to ascertain it with any degree of accuracy.

The returns for the talooks lately ceded by the Nizam are not yet received.

		Gross Revenue.	Net Revenue.
3.	Fusly 1228	23,94,539	22,00,140
	Do. 1229	23,91,458	22,29,880
	Do. 1230	27,10,961	25,56,270

	Revenue of Fusly 1823.	Charges Salaries of Collectors and Assistants.	Centage of all Charges.
4.	33,28,453	2,09,372	
		84,000	14¼
		1,85,546	
		4,78,918	

5. Circar

	Number.		Kumal Revenue.
5. Circar villages	2,544	...	4,42,87,115
Enam and joree ditto	371	......	3,21,464
Jagheer ditto	75	......	1,66,719
Swinjamee ditto	265	......	5,94,394
Total alienation	711	......	10,82,577

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The proportion of alienated to Circar villages is twenty-four per cent., and that of waste to cultivated land may be thirty-three per cent.; but the proportion of the latter has not been satisfactorily ascertained.

6. The principal division now contains eighteen, and the Colapore division four talooks; but the former is henceforth to contain only sixteen, and the latter five talooks.

7. The average total collections from each talook have hitherto been Rupees 1,44,333, and will in future be Rupees 1,51,206.

	Fusly 1228.		Fusly 1229.		Fusly 1230.
8. Land	—	......	1,056	......	—
Sayer	525	......	2,352	......	9,274
Bajeebab	98	......	179	......	3,841
Total	623	......	3,588	...	13,116

9. The balance of fusly 1228 arises from the losses and poverty of the sayer and bajeebab renters, and should be remitted.

The balance of land revenue for fusly 1229 is due from the Colapore division, and should be remitted. The sayer balance is the remission claimed by the water for grain passed with rahadary, respecting which there has been much discussion. The bajeebab of fusly 1229 is due from the Colapore division. The balance of fusly are all on account of remission claimed for commissariat supplies exempted from duty.

10. No new tanks have been dug, but many old ones have been repaired, and many more require repairs. There are few situations adapted for tanks where they have not once existed; but the country is not favourable to the eastward, and the monsoon rains to the west diminish the value of water. Tanks and wells are very much required in the Nowlgoond and some other talooks, the inhabitants of which bring their water from great distances; but the cotton soil which prevails there scarcely admits of tanks.

11. There are no fixed rules respecting repairs of tanks and water-courses. Many have been repaired since the conquest; the expense is borne in the first instance by Government, and part of it afterwards recovered from Enamdars in proportion to the benefit they derive from the repairs. When the village at large benefits by the repairs, a general tufreek or subscription takes place, and enams have in some instances been given by Government to public-spirited individuals, who have repaired tanks at their own cost.

The subscribers who formerly repaired the tank at Kanginelly, received from the Sirsoobadar some enam land, the rugum of which is Rupees forty-six and three-quarters; and Gopal Put, who repaired the tank of Konully, was rewarded with an enam.

In some of the Mulnad, or western talooks, the land irrigated by new and repaired tanks have been given on cowl to the builders or improvers; the period of such cowl depended on the expense, and extended from seven to twelve years.

Cowls extending from nine to twelve years were given for wells, by means of which dry land was converted into garden.

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The same indulgence was not allowed to those who dug wells in gardens, but they were favoured by liberal remissions in case of failure or misfortune.

The founder of a well, after relinquishing his garden for a time, could afterwards recover it; and his rights as a Meesassadar seem to have been recognized by the Circar, for after absconding, he was allowed to re-occupy his garden on making good the expense bestowed on it during his absence.

The following terms of cowl seem calculated to promote well-digging.

Expence of the Well.	Period for which only the khooshkee teerwa of the land under the well should be taken.
If from 25 to 250 rupees	six years.
250 to 350 do.	seven do.
350 to 500 do.	nine do.
500 to 750 do.	eleven do.

When the expense is between 750 and 1,500 rupees, one-fourth of the land under the well should be free enam, and one-third should be allowed when more than 1,500 rupees is laid out.

Great tanks can only be undertaken in the first instances by the Circar, by patriotic individuals, or by communities more wealthy than the villages in the Dooab. Small tanks might be encouraged thus:

Expence of Tanks.	Period for which the lands under them should be taxed as khooshgee.
If from 40 to 80 rupees	seven years.
80 to 140 do.	nine do.
140 to 200 do.	eleven do.

Where there are large tanks, an officer called Nurkutti distributes the water and receives fees in grain from the produce; where the tanks are small, the Ryots help themselves according to mamool under the control of the Potail.

12. All who benefit by repairs of tanks contribute proportionally towards the expense.

13. They are, unless the repair be made by general tufreek, when all are expected to contribute either labour or funds.

14. Trifling repairs of mud-work are made by the Ryots under the direction of the Potail and Aumildar. When the repairs amount to more than one hundred rupees, a remission is usually made: thus, if the repairs cost two hundred rupees, and the koolwa sunnud be one thousand, only eight hundred are paid into the treasury, and the remainder goes to the repairs through the Potail and Koolkurnee, under the direction of the district officers.

15. Cultivation returns for the current year, compared with those of the past, are regularly furnished by each Aumildar.

16. No such quit-rent is levied, but a tax from two to fourteen annas is paid by each camp-dealer who has a shop in the petta of Belgaum. Rule No. 2.

17. Under the late Government, the number of Camavisdars throughout each talook expedited the collections, which were also facilitated by the prevalence of huwala. The kists are now collected more directly from the Ryots, and the Potail and Koolkurnee are expected to enforce them: the change is beneficial, but for some time will be attended with inconvenience, until the village officers leave their duties, and the Ryots become quite independent of money-lenders.

The great difficulties in realizing the revenue are caused by bad crops and seasons, epidemic among men and cattle, fyres and pyenalee on the movement of troops.

18. Distraint of property should only take place when a Ryot is able, but unwilling, to pay his kist; the Aumildars are ordered to confine it to these cases, and not to enforce it without authority.

19. The

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19. The usual allowances are continued. Doorgee or Deounaa, the general village goddess, has land which yields from three to fifteen pagodas per annum. In many places Hoonooman, in others Buswana, and in some both these deities have lands. Buswana is adored wherever the Lingayet caste prevails.

20. Under the late Government, lands were sometimes given in lieu of money; but no such commutations have since taken place: except in one instance, where the pagoda lands had been monopolized by the village officers, and where a remorook is now substituted.

21. Complainants usually attend in the afternoon. The Register files civil suits on three days of the week, and the revenue cases are registered on every other day.

The registry of revenue cases facilitates business and affords a valuable record, which is now regularly kept both in Mahratta and English. Querulous persons, who can write and have much to say, are sometimes desired to bring their complaints in writing. This has some effect in checking falsehood and litigation, for the complainant who talks at random is often afraid of committing himself on paper.

22 Rent from Circar lands, and quit rents from jodee enams, house and professional taxes, customs and licenses, topes, grass farars, escheats, waips, fines and forfeitures.

23. The kumal in the Dooab is generally understood to signify the full revenue of a favourable season, when cultivation is complete, population thriving, the lands well tilled, the price of grain fair, and the country tranquil.

In the southern talooks the beriz of Hatim Khan, who was the Savenoor Nabob's minister about seventy-nine years ago, is the kumal.

In the talook of Dummuc, Darwar, Misrikota, Nowlgoond, Purusgurh and Bettigurry, Naro Babtee's jumma of fusly 1181 is the kumal.

The settlement of Veesajee, the Peishwa's beeneewali, made in fusly 1168, is said to be the kumal, or perfect berez of the Padshapore talook.

In Badamee and Bagulkota the jumma of Rusteahs manager Kistnagee Punt is the kumal, and in Hoongooned that of pause of the ordnance department. The kumal appears to have been inclusive of village sadirwarred and Shetsundies' allowances.

The following heading of an old talabund of fusly 1080, for the Beelghee Summunt, may throw some light on the subject:

" Nugdeal Bajee Wughuttee Bajebab, Ghee, Ghoor, Gulla, Dhan, guddee,
" umcar ratib bejaree enam kool bad kool ganoon, and a Tofie Sudan dhur
" umul Ulumgeer, Padshah Jumara kamil Makurree hoa."

The word kamil instead of kumal is used in this account.

24. No original records have been discovered to elucidate the nature of the tunkha, which is much better known on the north than on the south side of the Kistna.

It is supposed to have embraced the tofie, or jastie puttees on the cin, as far as from twenty to thirty per cent.

The dry lands are either regur or musub.

25. The regur or black soil is of three kinds, which are distinguished by the terms sun-yeree, the pure black soil unmixed with gravel, and found in large tracts of Mydan country; kurt-yeree, or black mixed with stones; hooluk-yeree, or patches of black land in the Mulnad, where it is less productive.

The musub musaree, or mixed soil, is of four descriptions:

1st. Hit musaree, or resembling flour.
2d. Kemp musaree, of a reddish colour.
3d. Kull musaree, or stony.
4th. Cosuck musaree, or sandy.

Wet

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Wet land, or turree, is of two kinds:

1st. The kadarnaibh guddee, which depends on rain alone.

2d. Meeraumbh guddee, or land irrigated by means of wells, tanks, and channels.

The wet crop depends so much more on the supply of water than on the nature of the soil that the latter is not distinguished, but it is for the most part red.

Garden lands are of three kinds:

1st. Those in which vegetables are cultivated.

2d. Those producing the betel-leaf.

3d. Lands fit for cocoa-nut and betel-nut. The mode of distinguishing these also is with reference to the facility of irrigation, rather than the quality of the soil. Cocoa-nut and betel-nut trees being most durable, are planted in situations most favourable.

The proportion which each soil bears to the whole is,

Regur	9
Musub	4½
Turree	2¼
Baghaet	¼
Total	16

Or in Koorgees:

	Kookkee.	Baghaet.	Turree.	Total Koorgees.
Principal division	1,19,795	996	8,732	1,29,523.

26. Some fragments of the survey account in Honyoond talook are forthcoming, of which a translation is enclosed. They were made under the direction of Rastiah, who adopted the beegah as his standard.

The land was divided into three sorts, and classed accordingly. The names of the fields, the nature of the tenure, the extent of cultivation, and the produce of each field, are stated ryotwar.

Tippoo commenced a survey, part of the accounts of which have been found, and an extract from them is submitted, but the fragment is useless; rule No. 16, statement.

27 to 34. *Vide* statements 3, 4, 5, 6, 7.

35. After the expiration of the cowl on which newly reclaimed land is held, it should be fully assessed, and the same rate should continue so long as the land remains free from nutt or huryalee; but as the same Ryot usually cultivates chabe kind, muckhta and kutgoota land, his field is generally divided nominally into these three classes, and all traces of the original assessment are soon lost in the confusion that ensues. To illustrate this subject, a statement of the different tenures on which certain Ryots have cultivated the same lands for the last forty years is submitted, *vide* No.

The shares of the Puckaries compared with those of Ryots are as follows:

	Centage of Ryots' profit.	Puckaries' profit.
For dry land	17	19
Wet do.	16	18
Garden do.	22	— Not cultivated by Puckaries.

36. As the size of the beegah and all its multiples varies, it may be more satisfactory to state the highest and lowest rent of the acre as ascertained by the survey now in progress, thus:

Garden

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	First Class of Land.		Second Class of Land		Third Class of Land.	
	Highest Rates per Acre.	Lowest Rates per Acre.	Highest Rates per Acre.	Lowest Rates per Acre.	Highest Rates per Acre.	Lowest Rates per Acre.
Garden	..	10	..	..	..	..
Wet	9	$3\frac{1}{2}$	8	$2\frac{1}{2}$	7	5
Dry	$5\frac{1}{2}$	$4\frac{1}{2}$	$4\frac{1}{2}$	$3\frac{1}{2}$	$3\frac{1}{2}$	$2\frac{1}{2}$

The lowest rate of the first class is four annas per acre.

For further particulars, vide Deetwar and Turumwar account of Goolgunjeekep, Nos. 8 and 9.

37. Private property in dry land does not appear to exist in the Dooab, even in those jagheers which have been longest under civil authorities. Enams and official wuttuns are every where meeras, but the high assessment on the land of the common Ryots seems to have destroyed meeras so long ago that it is not to be recognized either by record or tradition. Gardens, and lands on which Ryots have spent capital, are indeed so far meeras that the holders are never ousted as long as they pay their kists, nor would the Circars prevent such gardens being sold provided the purchaser pay the usual rent; but even gardens are generally too highly assessed to be saleable, and no instance of sale has been met with.

The abundance of waste is another circumstance which tends to lessen the value of land and to prevent its being saleable, for no man will purchase what he can obtain without purchase in every village.

The accompanying translations of some papers, No. 17, lately received from Colapore, make it appear that in the north-western part of that division there is something, nominally at least, much resembling meeras. The profits of a common Ryot and of a Meerassadar are here compared, and titles for the sale and gift of meerassee lands are exhibited.

It appears also that a Ryot, who had absconded and absented himself for twenty-five years, returned on one occasion and claimed his meeras, which was declared to be his right by the voice of his neighbour.

These facts go far to prove the existence of meeras in the Colapore division, but their evidence is by no means conclusive. From the comparative account of profits, it appears that the common Ryot is about as well off as the Meerassadar.

With respect to the deeds of sale and gift, they appear to have been for portions of the meeras or official enams of two Potails; had the lands in either case belonged to any other person, he alone could have disposed of them.

The circumstance of a Ryot having recovered his land after an absence of twenty-five years, on the strength of its being meeras, is better evidence than either of the title-deeds, and it has not yet appeared that this Ryot was either connected with the Potail or other holders of official enams, or that he was related to the mehtee Ryot of the village who is termed Merasa* in some parts of the Colapore division.

38 to 44. The answer to No. 37 contains all the information that has been procured on the subject of meeras, but further investigation is on foot.

45. Number of Ryots who received pottahs:—

Land

* The application of this term to the mhetee Ryot is rather against the general existence of meeras; for were it common, he could not be distinguished by it. The meeras is probably one of his privileges as a descendant of one of the first settlers in the village.

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	Fusly 1229.	Fusly 1230.
Land	47,376	51,157
Mohturfa	18,815	21,530
	66,191	72,687

46. Mochulkas specifying the quantity of land and the rates of assessment are exchanged. The enclosure No. 18 is the English of a Mochulka of this nature.

47. The lands of every village are all classed and allotted in due proportions, and each Ryot gets his share of the good, bad, and indifferent; the highly lowly, and moderately assessed land. Thus a Ryot cultivating eight koorgees may have half a koorgee of chalee, half a koorgee of kulgoota, three koorgees of kundmukta, and four of cowl or enam, which is always held on easy terms. The lots of land and the assessment on each are distributed by the Potail and Koolkurnee, with the concurrence of the village community. A Ryot who refuses to cultivate the portion of chalee allotted to him by the general voice, may appeal to the Aumildars or to a punchayet; but he must throw up the good and bad land together, and is not allowed to return the former unless he agree to plough the latter.

Chalee is said to be of Hindoostanee origin, and to signify that which continues with the same Ryot, and which he cannot throw up; kutt goota and kund mukta both signify a rent fixed favourably for a time. The former is usually given to compensate for the high assessment of the chalee; the latter to secure the cultivation of waste and inferior lands. (Vide Statement 19.)

Hoorsool generally signifies the rate paid by Packaries, whose profits are compared with those of the resident Ryots. Answer 35.

48. The term sheree, as applicable to land, is scarcely known in the Dooab; it appears to answer to what is here termed kumut, of which there are several kinds, *viz.* lands reserved by circar officers for their own use; lands retained by Jagheerdars and cultivated by their private servants; and lands not expressly enam, which public servants and great men either usurped or obtained from Government, and cultivated by means of Ryots, whose labour was either hired or compelled. It was sometimes held either by grant or prescription, and the possession of it was considered as a mark of rank; sometimes like the old demesnes of the Barons of England.

Kumut lands do not appear to have been ever reserved in the name of the Peishwa; this was perhaps owing to the distance of the seat of government.

50. After paying the current year's revenue, there is no law to prevent a Ryot from relinquishing his fields, provided he throws up the highly and lowly assessed lands together; but the ties which oblige every Ryot to cultivate the land allotted to him by custom and the community of his village, are stronger than laws or regulations, and will continue so unless superseded by the latter. The Ryot must cultivate for his bread; by ceasing to cultivate he subjects himself to a house-tax, becomes odious among his neighbours, and is considered as an alien by them. Hence he is generally forced to desert, if he relinquish his lands; but as it is the interest of the community to keep him, the obligation becomes mutual, and produces a feeling which binds the Ryot to his village and his village to him; this is always the best security for cultivation, and the best prevention of emigration. Native Governments adopt other restraints, such as seizing the family and property of the deserter; but unless the assessment be too high, or the village officers good for nothing, such precautionsar e very seldom necessary.

51. The Mamlutdar superintended a talook yielding from 10,000 to a lac of rupees. Under him, Camavisdars facilitated superintendence, and their connexion with the Aumildar enabled him more easily to develope the resources of the country; but, on the other hand, being ill paid, the Camavisdars usually consumed more revenue than they brought to light; often drew the labour of the Ryots from the public to their own private cultivation, and frequently disturbed the harmony of villages by an interference with the internal management, which

which should always be left to the village officers, so long as they gave satisfaction to the community as well as to the Government. The ruinous evil of huwala, which was so prevalent, has been often described.

The chief improvements we have introduced, are substituting tuccavee for huwala; restoring the authority of the village officers; discontinuing vexatious interference; fixing the annual assessment, and taking no more than the amount; securing to every one the full benefit of his own labour; allowing him to pay his kists in any good coin, without requiring one particular currency; and giving remission to distressed Ryots, which the Peishwa's revenue farmers could not afford.

With respect to the personal exertions of revenue officers in promoting agriculture, I have generally found them more inclined to bully than to encourage the Ryots: and their object is rather to display their zeal by shewing an increase of cultivation on paper, than to augment the resources of the country. Where tuccavee and remissions are necessary, the advantages derived from these indulgences depend chiefly on the judgment of the Aumildar, and when he makes himself popular by conciliation, his influence has good effects in giving confidence to poor villages, and superintending those which have bad Potails; but his authority as a general stimulus to cultivation has little effect. The Ryot cultivates for his own profit, and when this is adequate, he needs no spur.

The goading of a meddling task-master has often, indeed, a bad effect, by rendering agriculture a slavish toil instead of a cheerful occupation.

52. These distinctions are scarcely known in the Doab, and are only met with in a few villages of the Padshapoor talook.—*Vide* Statement 10.

The following are statements of their proportions in these villages, and also in some parts of the Colapore district, where such divisions are much more common.

53. *Vide* Statement No. 11 of the Werivadee pergunnah, in the Colapore division.

Tunkha, with Sirdaismookee............ Rupees 62,808

Present gross revenue ... . Rupees	49,177
Deductions for gaum nemnook killa puttee, muhul sadirwarred, purburee khurch, totee furaree, and nadaree ...	15,246
Remaining revenue......... Rupees	33,931
Deduct excess of present revenue above the tunkha............	2,074
Remaining revenue, equal to and below the tunkha... Rupees	31,856
Deduct twelve and a-half per cent. for Sirdaismookee of the Mha Raj	3,539
Remainder .... Rupees	28,317
Deduct Circar kusur from eleven to twenty-two and a-half per cent., said to have originated in a surplus on the subdivision of the remainder	6,372
Balance .... Rupees	21,944
Deduct quaem seodi jumma	1,732
Remainder .... Rupees	20,212*
Deduct potdar's fees of one per cent. resumed	202
Balance .... Rupees	20,010

Particulars:

Fizai jagheer to Mogul Circar......................... Rupees	15,008
Chowth to Hissadars	5,002
Rupees	20,010*

Particular

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Particular of proportions of Hissadars or Sharers, *viz.*

Whalketdar's mokassa of sixty-nine per cent. resumed, and a village granted in lieu of it..........................	Rupees 3,451
Punt Suchen's sahootra of six per cent. now enjoyed	300
Natgowakee and babtee twenty-five per cent. resumed........	1,250
	Rupees 5,002½

58. The Southern Mahratta country was superintended generally by Sirsoobadars, who were dependent on the Peishwa's Government merely in so far as paying a certain fixed sum. Large forts and detached mehauls and villages were sometimes resumed by the Sirsoobadars, and their receipts and disbursements separately accounted for by them, under the head of zaful jumma, or moozafut khurch, as the case might be. The village of Koosoogull is the only village of this nature in this part of the late Peishwa's dominions. It appears to have been kept distinct by Purseram Bhow, rather on his own account than for the sake of Government.

59. In some few places a koolwar settlement was made, and zungeer zumeen taken in such cases. The body of the Ryots were held responsible for depredations, whether caused by death, flight, or poverty. The mehaul was in a similar way answerable for the defalcation of any of its villages; but this responsibility appears to have been seldom enforced, and rather to have been implied than expressed. Remissions were made should these expedients not be likely to be attended with success. The zungeer zumeen is still available; each putter contains this population; it may however in general be considered as an extreme measure, only enforced to check grand and stimulate exertion, (*Sic orig.*) the ryotwaree system universally pursued throughout this district.

60. The cowls of the late Government, and of our Government, for the cultivation of land which has been waste five or under five years, are nearly the same. Before the extension of cowls to nine years, the Ryots complained that our cowls for bringing land which has been waste upwards of five years under the plough, were barely sufficient: that three or four hundred rupees were required to prepare each land for seed, and that the similation of our cowls, rendered ample remuneration problematical, and checked further enterprize; that the contiguity of the lands of the Jagheerdars, who grant cowls as far as eleven years, is another circumstance which militates against our cowls taking effect. The mortality amongst both men and beasts, since this country came under the Company's rule, may be added as another cause operating against reclaiming waste. Large advances have been lately made to encourage the cultivation of waste, and much more would have been broken up; but the process is expensive, and requires more capital than three years of bad crops, epidemic, and murrain have generally left to the Ryots.

The extra rules now furnished, only admit of pottahs being given to mulwand villages whose akur does not exceed fifty rupees, and to belwell villages whose akur is under two hundred rupees. These terms might be rendered more liberal with advantage, and the first year of cultivating on jutwa should not be considered as one of the term; we now, however, take care not to give the cultivator on cowl and istawa too great advantages over the Ryot who continues to plough his own land.

The latter has the greatest claim to indulgence, and we should rather make it worth his while to keep his old fields than to undertake new speculations.

61. The koonns were resumed from the Raja and other horse, but these are seldom susceptible of cultivation; the abundance of waste, and the great proportion of all produce that fell to the Circar, made it the interest of Government rather to promote cultivation than to rescue waste.

The accounts of cultivation were so grossly falsified, both before and some time after our accession, that it was found necessary to revise them, and to strike much land out of the accounts which had been entered as cultivated, although actually fallow for some years. This circumstance renders it difficult to ascertain the extent of actual cultivation up to fusly 1230. During this year the

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the increase gave Rupees 34,319, but owing to deaths and poverty (and partly perhaps to the superior encouragement held out to cultivators on cowl and istawa), bonds which should have yielded Rupees 22,874 became fallen. A man of regularly cultivated land pays him sixty to eighty rupees, but one of cowl land pays only four rupees; and the Ryot, notwithstanding every precaution of the Aumildar, will always endeavour to obtain that which yields most profit. Cowl land is not at first profitable: but its easy rent and alternate advantages usually render it acceptable.

During the two last years about 12,000 acres of land have been cultivated on istawa.

In fusly 1229, 3,840 acres of waste land were taken up on cowl, and 26,000 acres in the following year.

62. Seventy-eight ruined villages, including one muzra, have been repeopled since the Company's accession; and although at present yielding a trifling revenue are progressively improving.

63 and 64. Under the former Government, in making the jummabundy settlement it was customary to estimate the assessment by a comparison of the collections and state of cultivation of the preceding year, upon which they fixed the ayanathee and mamool puttee, and added to it the customary additional exactions for nemnook and sadirwarred expenses; and upon this estimate having fixed the sum to be paid by each individual, they deducted from the amount what was to be expended in the village nemnook and sadirwarred charges, and delivered a statement of the remainder. In places where the cultivation was extensive the assessment was distributed according to the full amount fixed, but where there was little cultivation a reduction was made: and to what extent a reduction was necessary was ascertained by the inquiries of the Camavisdar; and if it appeared that there was a difference of one or two thousand rupees between the estimated assessment and the actual cultivation, the Soobadar, upon taking a certificate to that effect from the Potail, Koolkurnee, and principal Ryots, made the necessary remission in the payment of the last kist; or if it had been already paid, it was deducted from the assessment of the following year, in consideration of which an equal remission was made by Government in favour of the Soobadar. The collections were made through the Potail and Koolkurnee. After having fixed the amount of the assessment, and divided it among the Ryots individually, if at the end of the year the share of any Ryot should remain unpaid, from death, flight, or insolvency, the other Ryots stated the case to the Camavisdar, who having inquired into the circumstances, and taken a certificate from the Potail, Koolkurnee and principal Ryot, was at liberty to grant what remission he thought proper; or if it were a populous village, he made a memorandum of the deficiency in the above accounts, and collected it from the other Ryots after harvest; and the Soobadar, in examining the accounts, confirmed the remissions granted by the Camavisdar. The country was under Bajee Rao from the year 1205 to 1227; and for the first five or six years of that period it was customary to farm out the revenue to persons who paid a fixed rent to Government and took all risks upon themselves. The country was then filled with disturbances, and the authority of the Aumildar was insufficient to provide for its tranquillity; nor was it accomplished by the frequent detachments of troops which it was customary to send from Poona, and for whose maintenance the Ryots were obliged to afford large supplies of grain and provisions, and even in some instances the villages were plundered by the troops which had been sent for their defence: the natural consequence was, the general impoverishment of the Ryots and the rapid decline of cultivation. The farm of the revenue was let to the highest bidder, and security was taken if the renter were a common Shroff, but not if he were a friend of the prince. According to this system, the increase of cultivation was only a secondary object with the Aumildar, and his chief care was to make his own profit from the lease. With this view he used to subvert the office to another Aumildar, whose duty it was immediately to transact the business, and having fixed the assessment, to send the stipulated proportion of it to his principal; and the latter, after deducting the local expenses and the Government rent, enjoyed the rest as a clear profit. The Camavisdar, in settling the assessment, did not compare the last year's collections, the state of

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cultivation, &c., and then proceed to make an equitable distribution to each individual; but having summoned those of the villagers who were known to be at enmity with each other, he gave the charge of collecting the assessment to any who would agree to make good the required amount. These again proceeded to make the koolwar settlement, without regard to chalee kutgoota or any distinction of tenure, but were guided only by their own interest or caprice. If the oppressed Ryot made his complaint to the Camavisdar, he was told that when the rent of the Camavisdar was paid, it would then be time to listen to him; if he went to the Aumildar he received a similar answer; nor was he likely to be much more successfu. at the hoozzoor. The consequence was, that in a short time he became insolvent; and although at the commencement of the season the ayanatee was generally rated at a very moderate standard, yet this was far more than compensated by the exorbitant surplus exactions imposed at the period of settlement, which were so burthensome that the cultivation became gradually less every year. These impositions were most rigorously exacted, and if not punctually paid, a fine was imposed in addition to what was already due. Formerly the regular village contingent charges, or sadirwarred, nemnook, expenses, &c., also extra impositions under the same denomination, were collected from the Ryots in addition to the land assessment; and although these were heavy enough of themselves, yet they received a great augmentation from an expensive system of collection, from the batta, provisions, &c. given to the Carcoons and revenue officers who were sent to the villages, and the usurious interest demanded by the Shroffs, all of which items were defrayed by reiterated exactions from the Ryots. Under such circumstances, where no encouragement was given to cultivation, and, on the contrary, it laboured under every disadvantage, it could not but decrease. Formerly, in the time of Nana Furnaveese, Aumildars and Sirsoobadars were appointed from Poona, who fixed the revenue on the following principles.

Having first calculated the sum of the original standard rent of all the different summuts in the talook, and deducted from the amount all charitable enams, Zemindars' lands, jode enams (and they compared the remainder with the accounts of cultivation for the current year, and upon this formed the estimate of the land-assessment), they then calculated the amount of the sougee revenue, rents of plantations, revenues from fines, &c. &c.; from which were deducted the payment of local officers, the allowances to churches, pensions to Brahmins, &c. &c.: the remainder was added to the estimated land-assessment of the grand total. After deducting the allowances of Sirsoobadars, one-fourth was immediately paid into the treasury, and the rest was remitted by instalments, commencing in January and ending in June; and the following conditions were entered into for the performance of the above:— 1st. That having compared the dates of the collection of the assessment from the Ryots and paying it into the treasury, a remission of one per cent. should be allowed as interest for the intervening period. 2d. That a remission should be made in consideration of the premium exacted by the Shroffs on granting bills on Poona. 3d. That a remission should be granted for failures of crops occasioned by the badness of the season. 4th. That the pay of Durruckdars and others in employ should not be included in the total assessment paid to Government. 5th. That other extra charges should be incurred only with the sanction of the Durruckdars. 6th. That if these officers receive any thing more than the then fixed salaries and perquisites, it should be resumed by Government. 7th. That the Soobadars and Aumildars should do their utmost to increase the cultivation. 8th. That they should perform the duties of their office with fidelity, and render full and correct accounts to hoozzoor. 9th. That if they be discharged from office before the expiration of the stipulated period, whatever they may have paid beyond the due assessment will be restored to them; or if any remain due, it will be collected from the Ryots on behalf of Government. 10th. That they should behave with moderation towards the Ryots, and that their interests will suffer from any complaints made against them from that quarter to Government. Such was the substance of the conditions made with the Sirsoobadars and Aumildars; and the former having fixed the amount of the assessment, distributed it among the Aumildars of the different summuts. Nearly the same conditions were made with the Sirsoobadars and Aumildars in Bajee Rao's time, with the following exceptions: In the ninth article

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article, the clause stating that in the case of dismission, what had been fixed above the one assessment should be returned, is omitted; as was also the clause in the tenth article, warning them against the complaints of the Ryots: and the following article was added, that all extra local expenses should be discharged in the district, and that a remission would be made in consideration of them in the stipulated assessment. The assessment payable by the Sirsoobadars was fixed by Government, and the Sirsoobadars at the jummabundy settlement of the district determined the sums to be paid by the Aumildars; and the latter, in their respective summuts, fixed the amount to be immediately collected in each village by the Camavisdar, or, in some instances, by the Potails, Koolkurnees, and principal Ryots.

Copy of the Instructions issued with regard to the periodical payment of the Assessment under the present Government, 1229 fusly.

1st. Proportion, in which the instalments of the last year's land-assessment and mohturfa are to be paid until the jummabundy settlement, in the case of a village yielding ten rupees.

In the red land countries:

1st.	To be sent to the treasury within fifteen days after the 25th of September, and a receipt taken from the same.........Rupees	1	8
2d.	Within fifteen days from the 26th October	2	0
3d.	Ditto, from the 25th November..............................	2	8
4th.	Ditto from the 25th December	2	0
5th.	Ditto from the 24th January	1	0
6th.	In March..	1	0
		10	0

In the black land countries:

1st.	Within fifteen days from 26th October ....Rupees	1	0
2d.	Ditto, from 25th November	1	8
3d.	Ditto, from 25th December	2	0
4th.	Ditto, from 24th January	2	0
5th.	Ditto, from 25th February.....................................	2	0
6th.	Ditto, from 25th March to the end of April..............	1	8
	Total.........Rupees	10	0

The regular assessment is to be collected according to the above tables, whatever be its amount.

2d. Strict orders must be given to the Potails and Koolkurnees of each village to make the collections according to the above instalments.

3d. Whatever apprehensions the Potail and Koolkurnees may have as to the Ryot not being able to pay his kist, he is not on that account to offer any impediment to him in cutting his crop, but he may make him give security. It is the duty of the Potail and Koolkurnee to see that the Ryot pays his kist, and it is that of the Aumildar to exact payment from the Potail and Koolkurnee: but in all cases the utmost care must be taken that no injury be done to the crops; and if any complaint on this subject be brought to the hoozzoor, the Potail and Koolkurnee will themselves be required to make good the assessment.

4th. The above rules have been framed for the collection of the revenue by instalments, both in the black and red land; but in some districts where the crops are early, and it appears that the Ryot is on that account unable to pay his kist at the appointed time, it may be collected beforehand; and it is the object of these regulations that the crops should not be injured, nor the Ryots harassed by any injudicious enforcement of payment.

5th. Strict attention must be paid, that after the collection being made from the Ryots no arrears be allowed to remain in the hands of the Potails and Koolkurnees.

6th

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6th. The Ryots must pay their kists in the presence of the Potail and Koolkurnee, who must give them receipts specifying the amount, and the coin in which it is paid. If in future there be any dispute on this subject between the Ryots and village officers, and it appear that no receipt had been given by the latter, then the claims of the former only will be attended to. The Aumildars also must take care that such receipts are given, and they themselves must give a similar receipt for the remittances made by the Potail and Koolkurnee.

7th. All payments must be forwarded to the treasury in the same coin in which they are received from the Ryots; except in the case of small coins, which may be changed in the talook with the sanction of the Aumildar.

8th. The Aumildar on receiving payment, and the accompanying note specifying in what coin they are made, must carefully examine them; but he must not do so if no such note be sent.

9th. Last year, several instances occurred in which the Aumildars allowed the assessment to fall into arrears, and neglected to exact payment according to the prescribed instalments: if this happen in future, they will be dismissed from office.

10th. Having fixed the instalments for the payment of the last year's assessment, the Aumildar must send regular accounts to the treasury, specifying how much has been paid and how much remains; and the same must be done in regard to the sayer revenue.

11th. In the monthly reports sent to the hoozzoor, having stated the instalments by which the land, sayer, and other revenues are payable, a detail must be given of how much has been forwarded to the treasury, and how much still remains to be paid.

65. The Mamlutdars made the moozawar, and the Camavisdar, with the Potails and Koolkurnees, made the koolwar of the different villages. This was the state of affairs in the better times; latterly, under the farming system, the talooks, and even villages, were under-rented. The particulars relating to settlements have been explained in the answer to query 63.

66. The renting of talooks and villages was unknown in the good old times, villages were sometimes given on a favourable lease to favourites, creditors, and religious characters. Such, for instance, was the lease at a fixed rate of 818½ rupees given by Trimbuckjee Dainglia of the villages Mooglee, Kutchall, Sungrashop, talook Purusgurh, to Chitumbar Deekshut. Some villages were granted upon similar terms in Hoongoond; these have also been resumed wherever the grants appeared objectionable.

67. The moozawar always preceded the koolwar settlement. Puttees were numerous. The ennatee mamool, gaum sadirwarred mamool, durbar khurch, and tushreef puttees (given upon the manager's coming to the district), were the usual puttees. On particular occasions puttees were laid on under names bearing the name of the occasion for which they were required, in addition to the puttees above enumerated, which were the offspring of former times. The renting system created to itself a new and numerous progeny, under the different names of tooned puttees, or sums levied to make up for defalcations; tushreef puttee, or presents of cloths at marriages; kurkuaee puttee, durbar khurch puttee, suwaree to grandees and officers of state travelling through the country; ghausdanee puttee, the price of forbearance and exemption from plunder paid to a foreign army; and seebundy puttee gulla tola puttee, a sum levied to make up losses sustained by Government in dividing the crop with the cultivator; gram deotee rutholsawa, &c. puttees, contributions for village ceremonies; furmaish puttee, estimated value of commodities furnished gratis to managers; kurba puttee, price of kurba upon furmaish. Many other puttees existed deriving their name from the occasion or the articles contributed; thus gai puttee, toopoo (ghee) puttee, &c. The jasthee sadirwarid puttee involved charitable donations, interest on money borrowed, pay to Baratdars, or persons sent to recover debts, &c.

68. In good times the settlement was regularly and impartially made, and remissions were seldom necessary: unusual general failures called for remission and

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and Government granted it; the balance against an individual defaulter was generally made good by his neighbours. If they were substantial, and could do so without serious inconvenience, the farming system introduced a renter whose only care was the satisfaction of his present demands, and puttees were invariably and unrelentingly restored to make up deficiences. (*Sic orig.*)

69. The Collector generally superintends the koolwar of a few villages in each talook. The Mamlutdar, after the moozawar jummabundy of the year has been fixed, goes to each village, where he makes minute inquiries as to the state of each individual's tenure, field, family and property. The principal Ryots are made acquainted with the increase or decrease in the jummabundy of the year as compared with that of the preceding year by the Collector, and when they return to their village they communicate with their neighbours, and apportion the individual rent of each Ryot under the immediate superintendance of the Mamlutdar, who confirms the disposition thus made if it give general satisfaction.

The einatee and mamool puttees of the late Government, and such items of the jasthee puttee as appear fair and equitable are ascertained; the latter is embodied with the two former, and the endless divisions and subdivisions of the Mahratta system are abolished. Extraordinary levies, not admitted by the terms of the puttees are never allowed the Ryots. Rent is thus clearly and positively defined, and unauthorized impositions are thus in a great degree obviated. In many parts of the districts, the Ryots have expressed a wish to have the amount of their assessment permanently fixed, craving remissions on extraordinary occasions. The kusba of Dharwar* has been surveyed, and the lands assorted and assessed accordingly for these last two years. The Ryots seem to approve of this measure, by which fluctuation of rent is obviated. The annexed account shews the nature of the koolwar accounts of the late government. [Here accounts.] Till the introduction of the renting system, oppression and injustice were by no means common; in fact, there were too many checks to admit of their existence. An appeal lay from the Camavisdar to the Mamlutdar, and from the latter to the Sirsoobadar.

70. An agreement was made at the time of sowing, the officer promising not to take more than might fall to each individual's share of a just and proper increase, which could be fixed when the crops were ripe, and the jummabundy was settled. The agreement contained the following stipulations, according to circumstances, in addition to that above stated.

Regular continuation of cowls; impunity for trifling offences; remissions on failure, whether of crops or persons; sending stray bullocks to poor cultivators; assistance in recovering debts, and freedom from dunnage till harvest time.

Forbearance in collecting outstanding balances; protection of property and persons, sinking wells or digging tanks, for the convenience of the Ryot and his cattle; courtesy in recalling Ryots who had left their village.

71. The kists were for the past year paid in money, but are collected in general through Soucars, who were sometimes repaid in kind by the Ryots at an enormous loss.

Akoih settlement, or division of the crop with the Ryots, was only resorted to when all attempts at a money settlement had failed.

72. The ein demand was entered in the village accounts, but entirely lost sight of in fixing the amount, which by means of puttees was raised at discretion, with reference to the season and the means of the Ryots.

73. The abundance of waste, the security of hands, and the compl etion of the Jagheerdars for the labour of the Ryots, all tended to lessen the value of land. The arts of Sumjaish were often resorted to when the Ryots threatened to desert, but they do not appear to have been ousted for refusing to assent to terms.

74. The custom of paying the Government assessment in kind was never general

* The accounts of an entire talook since surveyed are under preparation.

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general in this country. In the village Chundgurh and Kulanidigul, talook Padshapore, which are adjoining to the Concan, the country is mountainous and overrun with jungle. If a dry crop is cultivated one year, a wet one will probably be cultivated in the same place the following season, and *vice versâ*, so that it is impossible that an assessment can be permanently established in these countries; therefore the einatie is payable in kind and the puttee in money, and the assessment varies annually according to the state of the crop; but I have not yet met with any regular accounts for a series of years of this species of assessment being payable in kind.

According to the testimony of persons well informed on the subject, the practice of paying in kind has been disused for the last twenty years. At present the assessment is estimated according to Phani: that is, the Potail Koolkurnee, principal Ryots, and an agent on the part of Government, having visited the field about a week previous to its being reaped, estimate the quantity and value of the crop (*vide* copy of the forms according to which this valuation is made); also, according to traditions reaching one hundred and thirty-five years back, it appears that at that time there was a large proportion of uncultivated land in this country, and that Ali Khan, then Nabob of Savenoor, used to let the land in his territories at the annual rent of one seer of butter for each field, or, in some cases, a tograh full of grain. Under this system the country is said to have been brought into a complete state of cultivation in the course of seven or eight years, when Hatim Khan fixed the assessment according to the existing state of cultivation; but I have not met with any accounts confirming this tradition of a rent payable in butter.

70. The proportion according to which the instalments of revenue were payable by the Ryots in the Peishwa's time.

In the black land countries:

From 26th October to 26th November ...... Rupees	10
25th November to 26th December	10
25th December to 23d January..................	15
24th January to 21st February	15
22d February to 30th March	15
3d April to 1st May	15
2d May to 31st May	10
1st June to 19th June..........................	10
Rupees	100

If any arrears remained from the above, they were collected in September or October, and the monthly instalments here stated were made up by weekly collections.

In the red land countries:

In October................................. Rupees	10
November	10
December	15
January	15
February	15
March	15
April	10
May	10
Rupees	100

And the arrears were collected in August and September.

The above order of instalments, however, was not invariable, and the assessment was often collected as it suited the ability of the Ryots to pay.

2d. The proportion in which instalments were paid by the Camavisdar to the Aumildar, for villages yielding 1,000 rupees.

In the black land countries:

In August (with borrowed capital) ...... Rupees	250
November..	270

December

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December .... Rupees	100
January	150
February	150
March	100
April	170
May	50
June	50
Rupees	1,000

In the red land countries:

In August .... Rupees	250
October	75
November	100
December	150
January	150
February	100
March	75
April	50
May	50
Rupees	1,000

3d. The Aumildar paid the Sirsoobadar a quarter of the collections in August; the rest he paid by instalments within fifteen days after each receipt from the Camavisdar.

From the above it appears that the Camavisdar and Aumildar advanced a quarter of the revenue to the Aumildar and Sirsoobadar respectively; the principal together with the interest, was collected from the Ryots.

(*Sic orig.*) The Sirsoobadar was required to pay the Peishwa......to a quarter of the revenue, or a bill for the same in the month of August. If the Peishwa required an advance for the remainder, for the payment of the army or other purposes, he borrowed it from the Shroffs at Poona, and gave them an order upon the Sirsoobadar, which the latter discharged by six monthly instalments, beginning in January and ending in June. Afterwards, in Bajee Rao's time, the Camavisdar and others collected the assessment in the same way, except that when the Ryot was a man of substance, two or three instalments were sometimes collected at once; also the manner of payment from the Camavisdar to the Aumildar, and the Aumildar to the Sirsoobadar, was the same.

The Sirsoobadar advanced a quarter to the Peishwa; or if he were a man of substance, and the Peishwa wished it, he paid the whole by instalments within eight months, beginning in November and ending in June. Frequently the Sirsoobadar resided at Poona, in which case he received the assessment from the Aumildar in bills.

The unnatural substitution of the official, or Leadenhall-street year, for the fusly or year of the seasons, has rendered it necessary to make some of the kists earlier than the harvest, and this is one circumstance that obliges the Ryot still to pay part of his tax through the Soucars.

77. No regular remission appears to have been allowed to Brahmins and Khoosbesh cultivators in the amount, but they were spared in levying the puttees which fell higher upon them. They were not saddled with chalsee land, but enjoyed the favourable tenure of kuud mukta.

78. Of late years the revenues have been raised in most places by assignments on Soucars and Shroffs, who advanced the kists to the Camavisdar or Aumildar, and enabled him to remit the amount. If paid in a particular currency was acquired, and as the loss by exchange, as well as by interest, fell ultimately on the Ryot, and the huwala system proved least injurious to him. This loss amounted in general from four to eight per cent. upon the land-tax, and was usually made good by means of a separate tufreek.

79. The huwala system cannot be at once entirely abolished, and as long as it lasts, the loss of interest which it involves must fall on the Ryot's tuccavee; light

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light assessments, and well-termed kists are the best remedy for the evil, and have already gone far to remove it. The Ryot, who still pays by assignment, loses from two to four per cent. by interest: but as all coins except foreign and .... are now received as revenue, he loses very little by exchange. A (*Sic orig.*) Ryot in moderate circumstances formerly borrowed about seventy-five per cent. of his kists, and he now borrows near fifty in some talooks; but his loss by the loan is only from two to four, instead of seven and a half per cent.

80. The usual rates of interest now paid by Ryots to Sahookars for loans are from two to four per cent. A Ryot paying a hundred rupees used generally, under the late Government, to borrow twenty-five to obtain fifty by means of a village loan (Moccuddum), and to pay twenty-five ready money. The charges for munotee in general amounted to one and a half per cent. and for interest sixteen per cent., calculated for three months at two per cent. per mensem.

81. He usually pays four, six, or eight-sixteenths in grain, but in that case he loses from six and a quarter to twelve and a half per cent. more than if he were to make his payment in money; as in the former case the Shroff receives the grain at the rate of from twelve and a half to eighteen and three-quarters per cent. lower than the market price.

82. See the accompanying statement, Nos. 13, 14, 15.

83. Under the late Government, no standard was fixed for the reception of coins into the treasury; but it was usual to make the collections in Dharwar pagodas in the talooks of Dharwar, Nowlgood pergunnah, Hoobly, Misree-kothee, Bettigherry, and Belgaum; in peerkhanee rupees in the villages of Chandgurh and Kulandigurh; in sicca rupees in Bagrikotta and Badami; in jeary pagodas in Alsor, Koad, Bunkapore, Gootul, Hongul, Kagenelly, Rane, Bednore, and Dummal; the sicca, chandory, and ancoory rupees were received in Beejapore. If in any of these places different coins were offered in payment of the collections, they were received at the bazar rate. In this country Company's rupees are scarce, and from their being the currency in which the public accounts are kept, their value has been enhanced, and that of the other coins has fallen.

But by entering the collections in the respective currency of each talook, there would be a want of uniformity in the accounts, therefore the present system appears the most unexceptionable, as it satisfies the Ryots by making the actual collections payable in the currency of the country; and at the same time provides for the uniformity of the accounts, by reducing them to Company's rupees according to a fixed standard.

And although in the country about Padshapore the peerkhani rupee, which was formerly current, is no longer received, yet a remission has been made in consequence in settling the jummabundy; and also any serious inconvenience from the circumstance is obviated by the vicinity of Belgaum, where the Shapore rupee is coined. (*Vide* general order on the subject.)

84. It is true that the Shroffs are in the habit of combining to raise or depress the value of the coins as it may suit their own views, and it is done in this way. The principal Shroffs in new Hoobly, Bagrikotta, Colapore, and all the large pettahs, negociate bills to a large amount; and if in a particular pettah, from the quantity of goods in the market or any other cause, the value of the current coin should increase, the Shroffs immediately send notice of it to their partners or agents in other pettahs, who at once buy up all the coin of the description required, and send it to the place where it is in demand.

Thus although the Government has fixed the value of each coin by assay, yet the Shroffs continue to make the bazar price exceed or fall short of that rate, as it may suit their own interests. When the merchants go to the Mulnad country to purchase betel or other merchandize, a demand is occasioned for Icary hoons, which are current there, and a rise in their price ensues; but when the Mulnad people come to trade in this country, the price of Icary hoons falls in consequence of the influx of that coin. In order to prevent this arbitrary fluctuation of the currency, the natives say it would be advisable to prohibit any coin passing at a greater variation from the fixed standard than one

one-thirty-second or one-sixty-fourth, and any person buying or selling at a greater difference should be subject to a fine, although no doubt complaints would be made of the obstruction of trade occasioned by such a measure.

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85. See the accompanying statement, No. 13, 14, 15.

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86. At present the coin which the Ryots pay to the Potails and Koolkurnees is that which is delivered into the treasury, except when payments are made in small coins, in which case they are sometimes changed.

87. It having been understood that such a practice was prevalent in some places, a general order was issued that the village officers, on paying the assessment to the Aumildar, should give a written statement of the sum collected from each Ryot, and particularize the coin in which it was collected: and that the Aumildar should examine these statements, and if the testimony of the Ryot should not concur with the account of village officers, and if it appeared that the latter had not made the collections, as stated, in the current coin of the district, he should be severely fined; but if any petty collections were brought in as arrears, &c. it might be collected in the coin given by the Shroff.

88. The village officers give regular statements to the Aumildar, particularizing the collections from each individual and the coin in which they are paid. In the reports of the Aumildars the latter only is mentioned.

89. The practice of farming the revenue was not frequent; but in the case of a failure of crops the assessment was still collected on behalf of Government, whether it were from the Ryot immediately or through the renter; but in the latter case it was seldom collected from the Ryot until the following year. In the unsettled periods the practice of farming the revenue was frequent, and if two or three years remained to complete the lease of the Camavisdar, he was often allowed to pay it as it suited his own convenience, which was generally not before the end of the period. In the case of the insolvency of Ryots, the balance was made up from the rest of the village, or, failing it, from the talook in general; and it is even now the custom to insert a clause to that effect in the pottah granted to the village, but it has never yet been enforced.

90. The Aumildar used generally to give a receipt to the village officers, but they were not required to give any to the Ryot. At present the village officers and the Collector to the Aumildar.

91. Registers of receipts are generally kept in the form No. ......

92. In the times of Nana Furnaveese the following permanent charges were included in the regular assessment: 1st, pensions to Brahmins; 2d, stationary Koolkurnee; 3d. the Potailee fees; 4th, expenses for the celebration of festivals; 5th, oil for the lights in the pagodas; 6th, pensions to Dessayes, Daispandees, &c. and all extraordinary charges, such as propitiatory offerings to the gods in the case of epidemical diseases among the villagers or their cattle, were collected and charged separately from the regular assessment. In the time of Bajee Rao the ordinary village expenses were in some cases included in the assessment; and all considerable pensions to Brahmins, pagodas, mosques, &c. &c. are in the first instance paid into the treasury, from whence, after due investigation, they are distributed individually; but petty mosque allowances, expenses for the celebration of festivals, potailee fees, stationary charges, and, in some places, the Koolkurnee fees, presents to Tullaries, the wages of Peons where there are no Tullarees, pottahs, fees, &c. &c. are paid by the village officers, and at the end of the year the Aumildar examines the accounts, and if the charges are correct, makes a remission in the assessment accordingly. The accounts of a village under the former Government and at present have been sent, in order that a comparison may be formed of the village expenses in each. Also, under the present Government, in the case of epidemical diseases, &c. representation is forwarded through the Aumildar to the hoozzoor, and if it be approved of, orders are given that a separate collection be made for that purpose.

93. The Potails and Koolkurnees frequently receive it.

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94. They do not, however, receive it uniformly, but it depends on the custom of the village. A statement of the nemnook expenses of a village, under the former and the present Government, has been sent, that a comparison may be formed between them.

95. A pottah is given to the Ryots, specifying the amount which he has to pay; also the village officers are obliged to give him receipts, which in time will almost prevent the possibility of surplus exactions; but if in any instance they be known to have occurred, the village officers are themselves obliged to remunerate the Ryot, and are also severely fined. The Ryots have been warned that they are never required to give more than is inserted in the pottah; consequently, if more be demanded, they immediately lodge a complaint. The Aumildars and Zilladars are desired to take care that no such practice exists within the limits of their authority, and if they be found to have connived at it they are dismissed from office. If it be proved that any Potail or Koolkurnee have made any entire collection on their own account, their goods are distrained in order to pay the Ryots, and if that be not sufficient, their enam is confiscated, and they are also dismissed from office. Under Nana Furnaveese, if any Potail was discovered to have made unauthorized exactions, he was merely ordered to restore them.

96. The Potails, Koolkurnees, Dessayes, &c. are in general allowed to retain the enams and emoluments which they enjoyed under the former Government, and the same quit-rent is exacted except where it appears to have fallen below the sum at which it was usually fixed, in which case it is raised to its former standard.

Under the former Government there were three descriptions of Aumildars: 1st, those who held the office on lease from Government; 2d, those who were appointed by the Sirsoobadars; 3d, Soucars, who having lent money to the Sirsoobadars, were appointed to collect the revenues of the district, with the powers of Aumildars, until they had obtained payment. Under the present Government there is only one description of these officers.

Formerly one Aumildar was appointed for one or two summuts, now a single Aumildar is appointed to a talook yielding 80,000, a lac, or one lac and a half of rupees.

There was also a Camavisdar to almost every village: at present there are none; but a Zilladar is appointed for every twenty or forty villages, so that the power of the Potails and Kurnums is greatly increased.

Under the former Government hereditary Durruckdars were employed; but now they have been done away with, and in their place have been appointed Serishtadars, Peshkars, Shroffs, &c. &c.

Formerly it was customary to take a bill for the amount of the assessment from the Shroffs, but it is not done under the present Government; and it is now necessary to keep up a treasury establishment and a large body of Peons.

Under the former Government, bonds and receipts were not exchanged between Government and the Ryot, as is the case at present; but instead of giving a bond to the Ryot, a memorandum was inserted in the jummabundy accounts.

Collections were usually made, in particular coins: where offered, it was received at a rate somewhat lower than that of the bazar. At present the value of each coin is established according to a fixed standard, and collections are received uniformly at that standard, in whatsoever coin they are paid. It used formerly to be the custom to collect the assessment in Dharwar, Nowlgoond, and the neighbouring talookas in Dharwar pagodas.

Formerly Aumildars on entering upon their office, which was usually in the month of August, advanced one-fourth of the revenues of the following year as security to Government.

Formerly the revenue was collected from the Ryots by weekly instalments; at present it is paid by the month.

The

The Aumildar, on going to each village, used to take from four to ten rupees as a fee, which is now abolished.

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Formerly the Aumildars used to employ Shetsundies in carrying letters, summonses, &c. and in transacting the police business of the district; and if in the course of this service they had occasion to go beyond the limits of the district, they received an allowance of an anna or three-quarters of an anna per diem. At present they are also frequently employed to escort remittances of treasure: on such occasions they receive a similar allowance; but upon the whole they appear to have performed more service under the former Government.

Formerly, when any traveller or Government Peon arrived at a village, provisions were given him, and the price of the same was inserted in the Government accounts at present this head of expense is abolished.

Upon the arrival of Peons or others at a village for the purpose of collecting revenue, their allowances used to be paid to them and charged under the head of extra expenses in the village accounts: but this is not the case now.

Istawa cowls are no longer granted to mulnad villages if they produce more than fifty rupees, or to regur villages yielding above 200 rupees, and the indulgence might be extended with advantage.

Formerly, when boundary disputes were terminated by regular fighting, the Camavisdar or Potail used to grant enams to the surviving relations of those who fell in the affray; but under the present Government this practice is entirely prohibited.

1st. The duties of the Potail are to collect the revenue, to promote cultivation, and to encourage the Ryots, and to attend to the execution of the orders of Government; and he is looked upon as the principal Ryot.

2d. The business of the Koolkurnee is to keep the village accounts. Kool means, Canarese Ryot, and kurnee means account; and

3d. The Lokar manufactures the ploughs, and other tools of the Ryot, and receives no other payment than the fees attached to his office; *vide* account of these fees, No. .

4th. The Burain manufactures the wooden part of the plough and other wooden implements required by the Ryot.

5th. The Dhobee washes the clothes of the Ryot.

6th. The Hujam is the village barber and apothecary.

7th. The duties of the Tullaries are to guard the village, to serve as guide to any Government officer who may arrive immediately to collect the assessment from the Ryot, and to trace thieves or other offenders.

8th. It is the business of the Barkee to sweep out the choultries, and to dig, grind, and to perform other menial offices in the house of the Camavisdar.

9th. The Desh supplies harnesses and other leather apparatus required by the Ryot; he also cuts grass and wood for the Potail, Koolkurnee, and Zemindars, and sweeps their yards and carries the baggage of travellers.

10th. The Pottur assays the coin in the bazar.

11th. The Mutputti brings bread, and sometimes also cooks victuals for the Ryots when they are collected for the settlement of the jummabundy; and on the arrival of a Government officer he acts as purveyor, going from house to house to provide milk and other necessaries for him.

12th. The Poujaree is returned for the service of the god of the village.

13th. The Joshee is the village fortune-teller and astrologer.

14. The Hery Mutdeia is the spiritual guide of the Jangam caste.

15th. In some villages Bageewalahs are retained to celebrate the festivals in honour of the gods, for which they receive no payment.

The above is an enumeration of all the public servants of a village. Those who came under the denomination of Barra Bullootidars are in some villages the

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the Potail, Koolkurnee, Lohar, Burrai, Dhobee, Tullari, Derk, Mut, Dica, Hujam, Barkee, Mutputti, and Potur; in others, the Lohar, Burrai, Dhobee, Hujam, Tullari, Barkee, and Dhur. In the former case they are said to be termed Barra Bullooties from their being twelve persons; in the latter, from the sum allotted for their payment being divided into twelve portions, as follows: To the Lohar, one and a-half; to the Tullari, one and a-half; to the Hujam, one-half; to the Dhur, six; to the Barrai, one and a-half; to the Dhobee, one-half; to the Barkee, one-half. Thus the share allotted to each is proportioned to his labour. Although the Dhur is said to receive six-twelfths, yet it will more frequently be found to be only three-twelfths, as he has to supply the Ryots with whips, harness, and shoes. The business of the Burrai also is laborious, inasmuch as it is accompanied with frequent exposure to the sun. The remaining persons besides the seven above enumerated are termed Bullootidars. When the Potail and other Bullootidars receive their fees in kind, it is done in the following way: after the Ryot has twice thrashed the crop, on going over it the third time he collects the grain which is extracted in a heap, and the Bullootidars having come to the field, divide it according to their respective portions. In some villages the Ryot pays them a certain quantity of grain for every plough, in others so much for every man, which quantity varies with the state of the crop; also, in addition to the portions given after thrashing in some places, a fee varying from one to four seers is paid the day the Ryot commences to sow, and is divided between the Lohar, and Barrai, and Dhur; and on the day he begins to reap the same, three persons having gone to the field, receive half as much straw and grain together as one man is able to carry: this fee goes by the name of googhree anaj, and in some places the Tullarie is substituted for the Dhur in the latter distribution.

In some places, after reaping the crop the Potail, Koolkurnee, Lohar, Dhur, Burrai, Dhobee, Tullarie, Barkee, Hujam, Mutputty, and other Chillar Bullootidars, go to the field and receive a toghrah, or half a toghrah, filled with heads of grain, and when the heads are small they get the straw also. This fee is termed tenpunnee in Canarees.

When the Ryot takes his grain from the subterraneous storehouses, he leaves two or three toghrahs full as a perquisite to the Dhur.

In some villages one or two rupees is given to each Tullarie to purchase a cumblie, and is inserted in the nemnook expenses.

The Pottah receives a fee of one or two pice for each pagoda assayed.

98. Several perquisites belonged to the Potails, Koolkurnees, &c., as follows:—

1st. A share in the revenue of customs.

2d. A rooka, or half a rooka, for each bullock laden with merchandize.

3d. Two or three houses in the pottah, in one of which they reside themselves, and for the others they receive a rent.

4th. A ship at the Dussera festival.

5th. The service of the Dhurs in sweeping their yards, and bringing wood, grass and water, which service was commutable for an annual payment of four pagodas.

6th. In some villages, where the meera or perquisites do not exist, they received instead of them from one to four rupees on each mar of land, which is termed hoogee.

7th. The perquisite kuntwar, or a fee from the Shroffs and Bunyans, amounting to two or three annas from each householder.

8th. Kurah, being a similar fee from each garden or cocoanut tope; also a perquisite of three or four annas from each weaver and from each trader of another village, who erects a stall in the bazar, is known by the same name.

9th. A fee from the venders of arrack.

10th. A fee from the mint.

11th. A perquisite of cocoa-nut and jaggery on the festival of Nagur Punchamee.

12th.

12th. The fuskee, or handful of articles sold in the bazar.

13th. A perquisite of oil.

14th. Ditto of cattle from each shop, when it is sold.

15th. The perquisite of dhobee Hurdee, that is, the right of having a jacket washed every day.

16th. The Koolkurnee's perquisite of khaguz buha, or a supply of stationery.

17th. The potellee khundunee tushreef, or salary.

18th. A fee of from four to sixteen annas from each house in which a marriage was celebrated, except those of Brahmins and Mussulmans. This right was instituted by Hyder.

19th. A fee from the Gunnacharrie.

The above are the principal fees belonging to the Potail and Koolkurnee. Also in some places the Tullarie Mulputtee and Muteia have a right to a fuskee, or handful of grain, in the bazar; and sometimes the Tullarie has also a right to a fuskee of pulse, pease, and similar grain, and the Burrai and Lohar receive a fuskee of oil.

99. A statement has been sent containing an account of the perquisites received, and the quit-rent payable by the Potail, Koolkurnee, and other Ballootadars in two villages.

The following accounts are kept by the Koolkurnee:—1st. The monthly accounts of cultivation; 2d, a register containing an individual statement of the increase or decrease of cultivation; 3d, a general account of cultivation; 4th, a statement of the additional impositions laid on after the jummabundy assessment; 5th, a statement of the individual distribution of the assessment; 6th, an account of the daily collections for six months; 7th, a general half-yearly statement of the last; 8th, kutamunnee, or a monthly account of the same; 9th, a statement of arrears; 10th, a general statement of the receipts given individually to each Ryot; 11th, the jumma khurch, or a general statement of receipts and expenditure for the whole year; 12th, a separate statement of the nemnook expenditure; 13th, a register of the shot lundis; 14th, the zumeenin jara, or land accounts of the village. Also, if called upon, he must give a khana shumar account, or a census of the population and property in the village.

101. From the above accounts the individual collections and arrears are known; but if any surplus exactions have been made besides the fixed assessment, it will not be discovered from the fair copy of the accounts transmitted by the Koolkurnees; but if any complaint on this subject be preferred, and an investigation be instituted, it may be ascertained provided the rough (kutcha) accounts of the Koolkurnee are forthcoming.

The habits of the Koolkurnees are at present so irregular, that they seldom prepare even the above accounts as they are due; when reformed, they may be expected to prepare annually the accounts of fields and individuals termed khet jhurta and khool jhurhee; also, list of Ayagars and Enamdars, and registers of civil and criminal cases settled in villages; likewise sayer returns where there are no putkees.

102. The amount payable by each Ryot is known by his pottah; the amount paid by the Koolkurnees (kutcha khirda), or rag khirdee, if he has failed to give a receipt.

103. The survey which has been commenced will render the village accounts complete, and greatly simplify them by fixing the assessment on each field.

104. 1st. Formerly there was a Camavisdar in each village, by whose authority all the business of collection, encouragement of cultivation, &c. was transacted. The only care of the Potail was to enjoy his wuttun, pay his jodic, and act upon the orders of the Camavisdar. The Camavisdar, besides the above duties, decided disputes between the Ryots, with the assistance of the Potail. Under the present Government there is no Camavisdar, but all the duties of that officer are performed by the Potail, who must collect each

 instalment

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instalment and remit it to the Aumildar, and must also attend at the hoozzoor at the settlement of the jummabundy; consequently his duties are more arduous than formerly. 2d. The Koolkurnee has also more business under the present Government:—1st, he has to send the monthly accounts of cultivation to the Aumildar; 2d, he has also to attend at the hoozzoor, and present his accounts to the Collector at the jummabundy settlement; 3d, he has to send a note to the Aumildar of each individual payment, particularizing the coin in which it is paid; 4th, he has to give a similar receipt to the Ryot; 5th, on the Aumildar making the koolwar settlement, he has to write out a pottah for each Ryot; 6th, he is also obliged to write khana shumar, and all extraordinary accounts, when called upon; 7th, he has to attend the enam and durreaft Mootsuddies, and furnish them with the old land accounts, &c.

105. Under Nana Furnaveese, the Aumildars were at liberty to decide all disputes about contracts, sales, inheritance, &c. by punchayet. The great Aumildar had the power of punishing thieves, except in cases deserving death, mutilation of hands and feet, nose and ears; they had also the power of fining to the amount of 100 rupees. 2d. They might confiscate or continue the enams of Potails and Koolkurnees at pleasure. 3d. At settling the jummabundy they might impose surplus exactions, or make what remissions they thought fit. 4th. They heard and decided complaints.

107. The accompanying history of the Zemindars in the Dooab, shews the period up to which the families of the officers have been traced in each talook.

The records of the country do not reach beyond the times of the Mahomedans; but it is evident from the designations of the different Zemindars, from the nature of their allowances, and from the mention of them that is made in some of the oldest accounts, that they are of Hindoo origin. The word Dés and Nad are purely Hindoo; and the terms to which they are prefixed, *viz.* Koolkurnee, Gowdand, imply duties and situations peculiar to Hindoo institutions. The last syllable of the word dessaye, signifies mother in Canarese, and is said to have been once appropriate. Colonel Wilks chooses to derive Daismookh from Dusmooker, which he translates a tenth landfort; but with more regard to orthography, and to the Mahratta mode of collection, he might have made it signify "ten blows." Des is an old and well-known word in Hindoo, and so is mookh, and the district officers to whom these and similar terms are applied were probably under the Unagoondy Government, what Aumildars and Serishtadars are under our own. The hereditary and local nature of their emoluments gave them great influence in the country, and the Mahomedans must have found their experience most valuable in settling their new conquests. This circumstance accounts for their authority having been confirmed, and in some cases extended, by the Beejapore Government. Taking advantage of the times, some of the Zemindars at an early period became independent, and erected sumnathars: such were the Deshais of Nowlgoond, Sherritty, Havcunnur, and Dummut.

The Daispandies and Deshais, who continued dependent, appear to have been employed during the best times of the Mahratta Government as checks on the Aumildars; they kept accounts of the cultivation, produce, and revenue; encouraged poor Ryots, and recalled deserters. Of late years they have become less useful and more corrupt. In some districts they have got possession of the wuttuns of Potails and Koolkurnees, and in others of estates which should have escheated to Government.

Their allowances are derived from enam villages, chourat lands, and honorary grants, denominated gadee, palkee, chutree, goree, and chouree enams, fees on customs, and tax-free houses. Their perquisites are roossooms from ghee, and butter, ship at the Dussera; service of Dhurs, or its equivalent in money; aya or fees paid in grain by the Ryots; karuk and kaunturwunum, contributed by weavers and shopkeepers; fees paid by arrack and toddy sellers; shoes found by Dhurs, washing by Dhobees, puchodi taken from Potails, and fees paid from .... (*Sic orig.*)

They also receive nuzzurs on visiting villages, and khundnee tushreef. The Nat or Dés-Koolkurnies got also kaguz-bha.

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The proportion of the hucks of Zemindars to the revenue is exhibited in the statement. The amount used to fluctuate with the produce, but is now generally fixed with reference to mamool. The fees of Aya Fusga, Tel Chupul, and Puchadee, are still received in kind.

108. These officers appear to have been hereditary. It cannot be ascertained whether they were removed under the Hindoo Government; and it does not appear whether any of them were afterwards dispossessed except as enemies of the state. Tippoo nominally resumed some of their wuttuns, but left them in charge, and probably found them useful whilst on their good behaviour.

109. Their encroachments and usurpations prove that their powers must formerly have been much more extensive than they are at present; and although their duties seem chiefly to superintend cultivation, their fees and perquisites had also a concern in the trade and general management of the country. Like all the other public officers, they became very corrupt under the renting system; their influence is diminished with their respectability. Their Mootaligs and Wukeels are for the most part intriguing characters, and are generally concerned in cases of extra collection and other roguery in the villages. Their fees on revenue, which were probably intended originally to give them an interest in the welfare of the country, now only furnish them with pretexts for exaction.

110. The Deshais appear on some occasions to have exerted themselves successfully in repelling invasion and preserving tranquillity; but they more frequently took advantage of their situations and the confusion of the times to aggrandize themselves.

The title of Natgowd was conferred on the Deshai of Dharwar in fusly 1206 by Ulumgeer's representative here; and from his sunnud, of which I enclose a translation, it appears to have been granted as a reward for his services in repelling an attack of the Nowlgoond Deshai.

111. Their influence is generally prejudicial. They have some interest in extending cultivation, and a few of them may have done good in this way: but most of them have been spoiled by bad government, and the present race can hardly be reformed. Their sons may answer as our revenue officers in talooks to which their influence does not extend. Situations have been given to some of them, but they have no habits of business, and are almost all corrupt; they keep no regular accounts, and many of the imperfect records they produce are shamefully falsified. In some instances their Mootaligs have been detected in fabricating sets of accounts to substantiate their claims.

112. Their influence is diminished considerably; they have less to do with the settlement of the revenue and its collection. The Ryots are more independent of them.

113. The resumption of their wuttuns by Tippoo, and the substitution of "potgee," do not seem to have caused any remarkable sensation in the country; but a measure which was deemed moderate under the arbitrary sway of Tippoo, who usually confined Zemindars for life in the forts, might not at present be viewed in the same light.

I have endeavoured to check their fraudulent propensities by means of mochulkas, and by punishing some of their Mootaligs: who, owing to the degeneracy of the Deshai, have in many places superseded their principals.

114. The influence of Gooroos continues, probably, as powerful as it was under the late Government; and from the crowds at Jutras, superstition does not appear to be losing ground.

The heads of the peaceful tribes have as much influence as ever, but the leaders of predatory tribes have lost most of their authority with their occupation.

By restoring the authority of Potails, we have weakened that of all other leading characters who have fixed dwellings; and the Naicks of Sundy can no longer take advantage of their situations to plunder. The heads of the wandering tribes of Wudurs Khorchwurs are still respected from habit; but it is only in times of danger and difficulty that they have much influence, and these times have ceased.

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The most formidable of the irregular classes in the Dooab are the Pindarries; from their own account it appears that 'their number amounts to four or five thousand, and there are five hundred in the town of Dharwar alone.' They say they were formerly among Tippoo's camp followers, and that they came at different times into the Dooab with the armies of Dhoondia, and General Wellesley, and Donée. In peace they live by selling timber and fire-wood, which they cut in the nearest jungles; by winnowing grain and weeding it, and by carrying messages and letters. In this mannner the men earn about six pice a-day, the women and children three or four pice.

They are all Mussulmans, and profess to scorn petty theft and robbing as offences against their caste; nor does experience contradict this, for no cases of theft have been yet traced to them. They do not dissemble as to their habits of plundering during war, and they avow their readiness to follow their calling whenever opportunity offers, or an army takes the field.

The Pindarries preserve order and enforce the rules of their caste by means of Chowdries, one of whom presides over twelve or fourteen families as a sort of talking man.

He is answerable for all irregularities, and offenders accused by him are tried by a punchayet of the caste, and punished according to its sentence; his situation resembles that of a Gunnacharry amongst the Lingaets, and his office is hereditary.

The Pindarries own that their present means of subsistence are more certain and regular than they were under the late Government. They express a desire that their children may be educated, if it can be done free of expense; but agriculture is perhaps the only art that would improve their condition.

Their habits are industrious, and large parties of them are seen daily, in all weathers, going out very early to the jungles to cut wood, and returning late with loaded tuttoos.

They know that the eyes of the police and of the community are upon them, and this knowledge is probably a greater check upon them than the superintendence of their Chowdries.

119. In the periods previous to the Peishwa's government, in making the collections, strict regard was paid to the engagements entered into with the Ryots; and if any acts of injustice were committed, redress was obtained by applying to the proper authorities. Subsequently under the Peishwa, the Ryots were harassed with the continual apprehension of arbitrary exactions; and if their crops were seized by the Aumildar or Camavisdar, they could obtain no redress. If the Ryot was a man of substance, the Camavisdar used to extort surplus exactions from him, on the pretence of his possessing more land than he had a right to; and, in short, a general system of oppression was practised by the Government officers: but at present this is not the case, it being generally understood that no surplus exactions are permitted.

Formerly robberies and other outrages were frequently committed by the Zemindars and others, and if it came to the knowledge of the Government a severe fine was imposed; at present, such officers would be punished with imprisonment and hard labour, and the commission of murder is visited with death, by which the Zemindars are held in awe.

Under the late Government, if any of the principal Shroffs were at variance with the Aumildar or Soobadar, and if the latter demanded a loan from him, if he complied with the demand he frequently had the utmost difficulty in recovering his money; if he refused, they used to threaten him with making claims upon his property in behalf of distant relations; and by holding out the terrors of litigation, persecuted him into a compliance with their demands.

Under the former Government, boundary disputes frequently led to fighting and bloodshed, and fines only were exacted from the authors of these disorders; at present the practice is greatly checked by the fear of imprisonment.

Under the former Government, in Noolgoond, Hoobly, and other great pettahs, the revenues derived from fines for adultery were farmed out. If any woman

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woman was detected by the renter leaving her house at night for such purposes, his connivance was usually purchased with a bribe; but if she refused to pay this, an exposure followed.

If a woman of high caste was convicted of having connexion with a man of inferior caste, or *vice versâ*, the nose and ears of the parties were sometimes cut off; and in the case of adultery, if the injured husband brought a complaint against his wife, she was condemned to slavery: and the same punishment was inflicted on unmarried women who had become the mother of an illegitimate offspring.

Under the late Government, if an individual of those castes to which spirits were prohibited were detected in the use of them, he was punished with fine and degradation.

Mahrâttas, and persons of low caste, were not prohibited from a moderate use of spirits; but if they drank to intoxication, and in that state committed any disorder, they were subject to fine.

Formerly, if the retainer of any great man were to commit an offence under his sanction, he was allowed to escape unpunished; at present he is restrained from such conduct by the conviction, that the protection of his patron would not avail him.

Formerly, daring burglaries and malicious maiming were punished with the loss of hands and feet; or if the offender was a person of consequence, with death. At present, such crimes are only visited with long imprisonment.

Formerly, if a man in power owed money to a Shroff, and the latter sent persons to demand payment, they usually met with a refusal, and were treated with indignity: but now he is held in awe by the conviction that no respect is paid to persons; and if any person, however mean, were to bring a complaint against him, he would be called to account for it.

Formerly, if Ryots, having left the territory of any Jagheerdar, had gone into those of the Sirsoobadar, or of other Jagheerdars, and were detained there, it was customary* to retaliate upon the persons of merchants coming from their territories; but at present, from the disrepute which would attach to such an action, merchants may travel in security.

Formerly, if the carpenter, blacksmith, barber, &c. refused to work for the Aumildar or Camavisdar, he was in danger of being fined, and having an increase of tax to pay. At present, the Aumildar cannot force him to work without giving him his full pay; if he fail to do so, and a complaint be made, the complainant has nothing to fear from his oppression.

Formerly, in cases of theft, the Aumildar or Camavisdar was empowered to make inquiry into the circumstances; and, if he should think fit, he might punish the person accused, whether he confessed his guilt or not, or whether or not it were proved in evidence, or he might even use force to extort a confession. At present, were he convicted of doing so, he would be immediately dismissed; and, upon the strength of this, hardened offenders are frequently induced to withhold their confession.

Formerly, Brahmins, Mussulmans, and Enamdars of that class, were forced to allow the friends of the Potails and Koolkurnees to cultivate their enams at reduced rent; if they made any remonstrance, or attempted to let them to other Ryots, the latter were prohibited by the village officers from accepting them. At present, it is left to their option to cultivate their land themselves, or to let it to whom they please, and they have nothing to fear from the Government officers.

Formerly, the Aumildars were in the habit of imposing extra exactions on the villages,† from forty to four hundred rupees, on their account; if it came to the ears of the Sirsoobadar, it was either winked at from private friendship, or compromised by a share in the exactions. At present, if any such practices are discovered, the offender is made to pay double the amount as a fine, and dismissed

* This kind of retaliation is termed kodee. † Under the head of Carcoonee puttee.

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dismissed from office. Also, under the former Government, the Aumildar frequently took bribes for the concealment of theft; at present he is deterred from doing so by the fear of being considered as an accomplice, and punished accordingly.

Before exposing to sale jewels, clothes, &c. it is customary to submit the articles to the inspection of the Kutwall, that he may ascertain whether there be any stolen goods among them; and if any person be convicted of receiving stolen goods, knowing them to be so, he is subject to a severe punishment, which was not the case formerly.

Under the former Government, many of the great Sirsoobadars were in the habit of residing at Poona, and transacted the business of their district by means of Carkoons; and if a complaint were brought to the Carkoons against any of the Aumildars, the latter usually purchased his connivance by a bribe; and if the complaint were made directly to the Sirsoobadar, he referred them back to his Carkoon, where, of course, no redress could be expected: so that the Aumildars practised the most glaring oppressions with impunity. Now they are restrained from such practices by the fear of an appeal to the hoozzoor.

ANSWER.

1st. This tax is not now regulated either by the size of a man's house or the extent of his trade or substance. The venatee was fixed upon a person's coming to the village, and that standard in many places remains to this day, the basis upon which his contribution, embracing mamool and sadirwared puttees is formed. Abatements were made in the venatee of those merchants who built new houses when they came to the village, upon their becoming poor; those who merely repaired houses for their reception met not with similar indulgence, but were rejected upon the appearance of more substantial tenants: if no such persons appeared, a reduction in the venatee became necessary, and the reduced merchant was allowed to keep possession.

2d. The mohturfa is at present almost as irregular and unequal as the land-tax.

3d. There was no such distribution. Where any remains of system are visible, the venatee appears to have been the foundation upon which the increased jumma of the year was distributed, each person paying his share of the increase in proportion to the amount of his venatee. Paupers and new comers were, however, excluded from participation in this distribution of the increase.

4th. Answered above.

5th. The neighbours and principal men of the village were sufficiently aware of each person's circumstances to enable them to judge of his ability, or otherwise, to contribute a share of the increased jumma; there was no paying into ledgers or houses. The detail of the manner in which the tax was distributed will be found in paragraph 15.

6th. Persons who carried on business, such as giving hoondees, &c. without being obliged to borrow at interest, were considered substantial; such persons derived their principal gains from the cloth trade, and the huwalee system; loss, in any one branch of trade was counterbalanced by gain in another. Lending money to Government was productive of great advantages to the Sahookars, both as regarded their prosperity with interest, and the influence it gave them with the Government, by which they were often supplied with a few Government Peons. Their advances were generally speedily repaid with interest, increased by the various impositions of nana kusur, hoondawanee, and unnotee. Every delay in repaying the sum advanced brought with it a proportionate increase in these several items, and the principal was, when recovered, often equalled by interest.

7th. The tax varies from two to two hundred rupees.

8th. The new Hoobly and Bagulkotta and Sholapore, may be classed as the first pettahs in this district. Gudduck, Haveri, old Hoobly, Dharwar, Ranibidnoor, Belgaum, Badamy, Hoongoond, Ukull, Noolgoond, Bettegemy, are of considerable, but less importance than the two first pettahs.

Cloths

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Cloths are brought from Naragenpett, Tarputtee, Dharwar, Sugar, Advanee, and Raickoor, to Bagulcotta and new Hoobly, varying in price from three to one hundred rupees; there is also a trade between these two pettahs and Nagpore in piece-cloths of from five to one hundred rupees value. From Jabna, bad cloths are imported from twelve rupees. The nett profit on cloths brought from Advanee averages about two annas per rupee; four annas on those brought from Jalnabad and Jaynabad, and five or six annas per rupee upon the cloths brought from Nagpore.

Sahookars sometimes advance thread and silk, and have cloths manufactured to order, from which it is supposed they gain one or two annas per rupee.

9th. Grain is usually consumed within a few coss of the spot where it is produced, except in a scarcity, when it is worth while to transport it to a distance. A dealer in grain, it is calculated, who has his own carriage, nets about one seer per rupee, or about one anna or three-quarters of an anna, as the market may be. The trade requires a considerable capital. A few annas may be gained in the usual way of carrying it on; but the great Sahookar, who buys up a large stock of grain during the harvest season, and who is not anxious about a speedy return, is the person who alone makes much by this traffic: he often clears upwards of one hundred per cent. by the speculation; but his risk, expense for storing, and loss of interest, must be taken into consideration. Merchants also make purchases from the Ryots who bring their grain for sale on market days, and by disposing of it a few days afterwards, gain from one-quarter to one-half a seer per rupee-worth of grain. The Mulnad dealers seldom venture to make long journies; they sell their stock at the Hoobly bazar, from whence it is taken to Nurgoond, where fresh carriers are required to enable the grain to appear in the Bagulcotta bazar.

10th. The price of cotton varies from four pagodas per nug of eight maunds to sixteen pagodas per nug; it is principally exported towards Bangalore and Wallajanuggur. Exportation to Wallajanuggur never takes place unless cotton be procurable here under ten pagodas per nug. Cotton of this price fetches about sixteen pagodas at Wallajanuggur; and at this rate, after deducting the expenses of carriage from pagodas, duties about one pagoda, so little (*Sic orig.*) remains as to render the speculation hardly worth so long a journey, and the cotton is principally sold within the country.* The salt used in this country is brought from Goa and Kooruta, by the coast people; it is sold at near Belgaum from sixteen to thirty-six seers per rupee, and at Dharwar, Hoobly, from twelve to twenty-four seers per rupee. It is supposed that two or three annas per rupee is about the average profit upon this traffic.

The betel trade is more advantageous, upwards of twenty-five per cent. being gained by it: but most of it comes from a distance of ten or twelve coss, and it is perishable.

It is difficult to ascertain the profits of persons trading in grocery; it may however be roughly guessed that a trader of this description who has a stock in trade of four hundred rupees clears about 192 per annum, or sixteen per month; should he borrow, a deduction must of course be made from his gains for interest.

Green-grocers' dealings are confined within the limits of a few coss; their gains vary from fifty to a hundred and fifty per cent., but the perishableness of their

* The Guzerat merchants take about 3,500 candies of cotton yearly to Bombay. Cotton now sells very cheap—only 18 rupees per nug, two and a-half of which make a candy: it sold last year for 24 or 25 rupees.

The nug here costs.............................. Rupees	18	0
Hired cottage	5	0½
Duty	2	0¼
Kumals for packing	2	0
	27	12
Freight from Koola to Bombay	1	4
	29	0
Value at ditto	31	0
Profit	2	0

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their goods (which are unfit for use on the second or third day) renders this apparently inordinate profit less usurious: in fact, they generally make four or five trips during the month, at each of which they bring about one rupee's-worth of vegetables.

11th. Silk cloth puchorees are made, varying in price from thirty to a hundred rupees. Dhoturs, turbans, selas, sarees, from a-half to sixty; roomals, as low as four annas are also manufactured on a small capital, which enables the weavers to purchase the raw material, whilst the poorer artisan being from hand to mouth, who is only master of his own time, suffers by borrowing to enable him to set his loom to work. It is supposed that a weaver making up cloths for a merchant receives from eight to twelve annas for his trouble upon the rupee of raw material.

The weaving community is subdivided into thirteen classes: first, Jadur, embracing the Koorenuwurroo, Puthadas, Salee, Linga, Dukerry and Billee Jadur. The Salee caste consists of Pudmasalee, Sookhasalee, Devasala, Tillugasalee. The Hutkar is divided into Singwunt, Hutkar, Devary, Hutkar and Mahratta, the Puturgur and Mohmeen, form the last of the thirteen classes.

The assessment upon weavers is only in a few places made with reference to the number of their looms, and is at present less a tax upon these than upon income and industry. All looms should be rated and taxed with reference to their produce, so that the weaver may know before-hand what profit to expect from his labour.

12th. Wealthy Rungarees, or chintz-makers, occasionally act also as tailors, and thus derive the profit of both trades, and also of stock. The want of capital prevents the poorer people availing themselves of this advantage, and their gains are in consequence confined to the wages of the labour of their own particular profession. Rungarees pay mohturfa from two rupees to forty. It is calculated that the process of chintz-making enhances the value of the cloth about a hundred per cent.; neelaries (indigo dyers) charge from four to twelve pice for colouring a web, according to the quality of the die and the quantum of labour contributed; twelve and five rupees are the extremes of their assessment.

The Dhungur, who has his own flock, enjoys the profits of the capitalist; and the weaver, the less wealthy, makes his purchase of the raw material from his more substantial neighbour, and weaves cumblees, which he sells from three annas to four rupees each: the tax upon this caste varies from two to twenty rupees.

The Sonar sometimes acts as Tolutdar or Shroff in his village, in which capacity he belongs to the Barra Bullooty, and has an enam: he generally confines himself to making ornaments to order, receiving a certain sum for his labour; those who have capital take advantage of the market, and make ornaments, which they dispose of as opportunity occurs. The contributions of this class vary from two to fifty rupees. The Sootar is another member of the Barra Bullooty; he has his enam land (his mera hoogee), in consideration of which advantages he repairs the agricultural implements of the resident Ryot. He pays a quit rent to Government, but is not otherwise assessed; his gratuitous labour is confined to the repair of implements of agriculture, and he must be paid should he contribute to house-building.

The Sootar who is not a Meerassadar pays from two to six rupees.

The Dhoobee generally contracts with the Khoosbash residents for washing at so much per annum; his charges are influenced by the value of the cloths which he washes: a coarse turband is washed for one pice, a fine one for two. The washerman in some instances is an Enamdar, paying quit-rent, and sometimes holds enam free of rent. Under these circumstances, he received meera or fees in kind, not money, from the Ryots. Dhoobees who are not Meerassadars pay from two to sixty rupees.

The Hujjam shaves, weaves, and acts as link-boy. He has enam, either joree or free of rent. When performing the duties of barber, he receives meera fees from the Ryot: the Khoosbash pays in coins. The Meerassadar Hujjam pays no tax.

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The Kolurnuncala (iron-founder) manufactures ploughshares, &c. for the Ryot, who pays him in cash; these people are taxed from ten to twenty-five rupees per mun. The Kassar (brazier) is taxed from four to thirty rupees.

The Jingur manufactures saddles, pictures, images, hats, palkee furniture, and head-stalls with cloth, and they pay from two to eight rupees.

The Munniar sells ropes, tape, odds-and-ends, and pays from one to four rupees.

The Dhurjee (tailor), who has capital, keeps a cloth-shop, and manufactures his own material; his more needy companion of the needle only stitches to order.

The Dhurjee pay, from one to ten rupees. The Pinzar makes thread, ropes and tape, and cleans cotton; he makes yarn for the Ryots, and receives at the rate of four pice per duruh (of which four make one mun). The Pinzar pays from six to sixty rupees: this sum is only levied in the cotton talooks.

The Boorud (mat-maker) brings bamboos from the jungle, which he manufactures, as required, into mats; he contributes from one to three rupees per annum.

The Qusace (butcher) is sometimes a dealer in sheep: the privilege is in some parts of the district a monopoly; the flesh is sold from four to six pice per seer. The Qusaee pays from one to twenty rupees.

The privilege of selling seeadee kullallee wholesale is a monopoly; a tax is, however, levied upon retail dealers, varying from two to four rupees.

The Choomnah (seller of chunam) brings the chunam-stones from the jungle, and after burning it, sells at the rate of 1 rupee 2 annas per sack containing 128 seer. They pay from one to six rupees.

Dealers in leather manufactured shoes, puckals, and harness, pay from two to five rupees.

Meethaccgur (confectioner) makes sweetmeats with wheat, ghee and sugar, and pays from four to forty rupees.

Baghwan (gardener) either sells the produce of his own garden, or merely retails. His tax varies from one to sixty rupees.

Gowlees (cow-keepers) sell the milk of their buffaloes at from two to four pice, butter from eleven to fifteen pice per seer; they pay hoobbunni for pasturage, varying from three to ten rupees.

Muzdoorwalla (daily labourers) are divided as follows:

Those who let out bullocks at four or five annas per gow of four coss; they pay from one to twelve rupees.

Letter carriers, porters, builders, field labourers, persons employed by weavers, persons selling fire-wood, &c. are all taxed; if living upon the Circar land, their contributions vary from four annas to three rupees. In some villages, people of this description are allowed to live without paying any rent; these, however, are subject to contribute to the wants of Government by bodily labour. It is understood that each inhabitant of this kind takes his tour of duty. Enamdars seldom tax persons of this description residing in houses within their enams, preferring occasional assistance from them in their fields.

13th. To illustrate the present mohturfa system, a koolwar account of the principal pettahs in the Dooab is submitted, together with remarks and explanations.

14th. The objection to the present system of raising the mohturfa revenue is its inequality; this, however, is not admitted by the more substantial traders, who are the principal gainers by this inequality. Many traders paying house-rent to Government entertain lodgers in their houses; and the latter, however extensive their traffic, used to pay nothing to Government, nor did any increase in the jumma which might be thrown upon the puttee reach them. They (*Sic orig.*) frequently pay as much as ...... rupees to their immediate landlord.

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The venatee, where it exists, is the same now as it was formerly, and being invariable, it is rarely adapted to the circumstances of traders, which are continually fluctuating: hence the venatee is most burthensome when the contributor is least able to pay it, and *vice versâ*.

15th. In attempting to equalize this taxation, the following points must be observed: 1st. the size and number of the houses of the contributors; 2d. the size and number of their shops; 3d. the existence or non-existence of trading lodgers, described above; 4th. the amount of their property; 5th. whether they trade with their own capital, or borrow money to carry on their speculations; 6th. whether they lend money at interest to enable their neighbours to trade; 7th. how many persons live in the house of sufficient age to be useful in their mercantile concerns; 8th. how many shops they have in other towns; 9th. whether, from underhand influence with the officers of the late Government, abatements may not have been surreptitiously obtained; 10th. whether they are able to lay up grain and sell it at the dear season, thereby making large profits. The introduction of the vespuddee system, pursued in the Ceded Districts, is the most easy and unobjectionable method of equalizing this tax. The merchants of each village have a pretty accurate idea of the extent of each others' trade, and would not scruple, under this system, to make disclosures which would tend to equalize the burthens. The veespuddee being an innovation, can only be introduced by slow degrees, and until it be completed the assessment on each pettah must be paid with reference to former payments and present resources, the Collector taking care to see that the amount be fairly and publicly distributed, so as to give general satisfaction to the inhabitants. This system, the principal Sahookars and merchants say, has a tendency to make public the state of their concerns, which would make them less ready to lend, and thus obstruct the trade on which so large an amount of sayer revenue depends. The great immunities and advantages enjoyed by Sahookars under the late Government rendered them wealthy, and they deprecate an innovation which would make them contribute in proportion to their means; they contribute largely towards the sayer revenue, often support falling merchants, and enable them to pay mohturfa, and the privileges they enjoy are sometimes their reward for recalling deserters and re-establishing broken pettahs.

The exactions of the late Government, under the name of nuzzerana, ghausdanee, &c., fell principally upon the rich, and the immunities which they enjoyed were in some degree counterbalanced by these forced contributions. Still, however, the mercantile was the most favoured class of the community.

Slavery.

1st. Slavery is not very common in this country, and its nature is very mild; slaves may be emancipated.

2d. Slavery was very uncommon formerly; it increased under the Peishwa's administration.

1. A woman committing theft or fornication, was sometimes made a slave, when she became a servant of the state, and was sometimes sold. 2. During famines people sometimes sold their female children, who became slaves; this practice is very prevalent to the northward of Meritch. Slaves could not leave their master without his consent; the master could dispose of his slave to another. He was obliged to feed and clothe any children he had by her, and also to perform their marriage ceremonies. The son of the slave girl acted as a domestic servant; and the daughter, if not married, became a slave or prostitute; the son was heir to his mother, and, in failure of a son, the master of the deceased inherited the property, with the exception of that part of it which she had acquired by prostitution, which she was at liberty to bequeath to her daughter. The master was allowed to beat his slave and her son if they did not conduct themselves with propriety, but was fined heavily if death ensued from his maltreatment.*

Slavery is recognized by the Hindoo and Mussulman laws, and by the custom of the country.

The

* One of the disputes of the Meritch family is about Sindf, or sons of slaves.

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The toleration of it saves many lives during famine, and does not appear to shake the affection of parents or to encourage oppression. Bondmen here are rather hereditary servants than slaves, and I doubt whether they would feel grateful for a law which should emancipate them.

By restrictions of slavery we raise its price, and with it the price of life in a famine, and if Government should abolish it, they should provide a fund for starving children.

Slaves are very seldom imported; most of the few who are in the Dooab were either born slaves, or sold as such during famine.

3d. The usage as regarded slaves was common to native and foreign slaves serving in this country.

4th. The Government never interfered.

5th. The parties might make what arrangements they pleased, in communication with the heads of Bastees.

6th. A child, after being sold, and partaking of food from a purchaser of a lower caste than the seller, could not be redeemed. It has happened that Johalees (who usually suffer most in times of scarcity) have re-purchased their children, after having sold them for five or six years; after marriage, the child sold could not be restored to the caste in which it was born.

Adoption.

1st. Temporal officers, such as Daishwas, &c., could neither make adoptions nor dispose of their meeras without the authority of Government; Bhuts, and other spiritual officers, were allowed to make private adoptions. 2d. Few adoptions have taken place amongst Zemindars since the commencement of the Company's Government; no nuzzers have been paid. 3d. Nuzzers were necessary: without this propitiation, the adoption of a distant relation, whose ancestors had formerly a share of the family property, was not valid. A nuzzer was required upon adopting a relation whose family had not yet received its portion of the family estate.

The Daishwas of Kittore, Havanore, Dummul, Sirhutty, and Noolgoond, were expected to intimate their intention of making adoptions; they were not regularly saddled with a nuzzer on the occasion, they however were understood to make some present to the Peishwa, and he in return gave an honorary dress.

The Daishwas and Daispandees were in the habit of appropriating to themselves respectively the wuttuns to Potails, and Koolkurnees dying without male heirs; this custom has been discontinued, and Government is now the heir to such property. Sahookars and wealthy merchants gave notice to Government of their intention of adopting, but paid no nuzzer.

Cotton.

1st. About one-eighth of the arable cultivated land of the district is sown with cotton: the crop is generally plentiful.

2d. Cotton is not imported. It is calculated that 17,495 candies are grown annually, including the produce of the circar and enam land; about one-half is in the home, and half in foreign consumption. About one-eighth of the amount exported is manufactured into thread previous to exportation; the remaining seven-eighths are sent to Bombay, Wallajanuggur, and Bangalore, in a raw state.

3d. Taking the price of one year with that of another, cotton may be valued at about sixty rupees per candy.

4th. Cotton is sown from the 14th August till the month of September, and reaped from the 10th February till about the 8th March.

5th. Out of sixteen annas deduct musul and not fit for cotton ...	$5\frac{1}{2}$
Baghaet and turee	$2\frac{1}{2}$
Balance......	8
Deduct land sown with jowaree, &c.	6
Balance under cotton cultivation	2

6th.

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6th. The assessment upon the coorgee of cotton averages about eight rupees and three-quarters. Each coorgee (taking the average of the expense of cultivation of different kinds of grain) costs the Ryots about six and three-quarters; but as the cotton seed is still less expensive, one rupee may be deducted: the expense of cultivating cotton will therefore be about five rupees and three-quarters per coorgee.

7th. The person cultivating with hired bullocks, without the assistance of daily labourers, can grow cotton for about four rupees, seven, per coorgee; but the work will not be so well done.

8th. An increased demand for cotton would undoubtedly encourage the growth; the persons who might contract to supply the Government would facilitate the cultivation of cotton by giving advances to the Ryot. A Ryot could not, however, devote more than two coorgees out of eight to the growth of cotton; four coorgees would be set aside annually for jowaree, and two more for wheat. There would be a rotation of crops. The ground allotted to wheat and cotton this year, would in the ensuing year supply jowarree for the Ryot's family, and the jowaree field of the present year be converted into wheat and cotton fields in the ensuing.

The Ryots have a prejudice against sowing foreign cotton* in the regur black land; they say there is no prospect of its growing luxuriantly, and add that in the musule, or red land, it requires two or three years to season the ground to enable the cotton to come to perfection, by which they incur a certain heavy expense, and are precluded from having the usual wholesome and advantageous rotation of crops.

Boundary Disputes.

1st. Boundary disputes are more frequent than they were formerly. This proceeds from the easy access to complainants, and the not punishing persons making frivolous complaints; it may also partly arise from the increasing value of land. In those talooks where cultivation thrives most, boundary disputes are becoming yearly more frequent. The penalty of the bonds taken by the officers of the late Government (which were always acted upon) repressed idle complaints.

2d. The following are the principal methods in use:

1. Walking the boundary with a clod composed of certain ingredients.

2. Taking up heated bullets.

3. Walking the boundary with an unburnt eartern vessel filled with water, or carying the village idol in procession along the alleged boundary.

4. In the countries near the ghauts, disputes are sometimes settled by persons wagering to kill a bear or other animal, and not meet with any injury, within a certain time.

5. Punchayets are also rosorted to.

6. Zuminghares and prescription were referred to, and decision made by Government officers.

The first of these methods is the most prevalent.

3d. The Asham Sebundies amount to 3,028, and their total pay per annum is Rupees 1,85,546; about 1,514 Peons are employed in revenue duties, nearly 757 on police duties, and the rest on military duties, such as guarding forts, ghurries, &c.

In fusly 1229 there were 13,246 Shetsundies holding lands and villages, valued at Rupees 1,50,025; also receiving melwanum in money, Rupees 5,553.

The average pay of each Shetsundie throughout the division is Rupees $11\frac{1}{2}$. (Vide Statement No. 4.)

3. The use of stamp paper would undoubtedly repress unfounded complaints, and provide a fund for judicial charges; its introduction at present would not be advisable, but can be tried hereafter.

Abkarry.

* Bourbon cotton has been tried and thrives there; and, if seed can be procured, may answer, as it grows on a soil inferior to that which is usually given to cotton.

Abkarry.

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1st. This item is rented to the highest bidder.

2d. The Sunderkullallee is rented in the same way.

3d. The districts are rented by talooks, and each renter appoints his own servants and under-renters, as he finds convenient.

4th. The Sunderkullal stills and shops amounted to 73,745 in fusly 1231.

5th. Arrack in camps is sold at the rate of eight annas per seer weighing eighty-four rupees; in the large towns it is sold at seven annas and a half per pucka seer; in villages the second sort is sold at five annas for the same quantity. The Kullalee farm was let for Rupees 16,217 in fusly 1229, and Rupees 27,040 in fusly 1230.

6th. This item was let under the late Government. The amount was included in the village beriz, and each Kullal was allowed to sell only in his own village. The Kullals entered into penalty bonds not to sell their liquor to persons of caste to whom the use of spirituous liquors was forbidden; expulsion from caste ensued to the taster of the forbidden liquor, and the vendor was severely fined. Butchers killing cows sometimes suffered in their limits, sometimes in their purses. The aim of the late Government was to suppress the spirit of trade, and every possible obstruction was thrown in the way of its increase.

7th. The spirit contract is sold to the highest bidder, of whatever caste he may be. Hours and prices for sale have been fixed; the price has been risen to three or four times its amount under the late Government.

Arrack Revenue during the last Four Years.

Fusly 1228 ....Rupees	25,520	This includes toddy revenue also.
1229	28,508	
1230	42,992	
1231	73,745	

The present rules for preventing drunkenness are, that the renter allows no person to carry away more than one seer at a time; that he gives information against all suspicious characters who may come to buy arrack; that he receives money only as payment; that his shop be open only between sunrise and 8 P. M., and that he sells only at fixed prices, and only to those castes whose habits do not forbid their drinking arrack. The renter is only prohibited from selling arrack either to or for Europeans, and from selling toddy to any person whatever connected with the camp, except for the purpose of making bread.

The class who are addicted to drinking are Mussulmen, Bedar, Mhar, Maugh, Kolee, Wuddur, Dombar, Korwar, Ramoossee, Dhungur, Mahratta; the Sepoys and Malabar followers of camps are also addicted to this indulgence. The Gunnacherry has the superintendence of the morals of the Lingaet population; he punishes men transgressing the rules of their caste, whether by indulging in wine or women. A lady also following her inclinations to the prejudice of her caste is punished by him; her saree is confiscated for his use; (*Sic orig.*) and the chouk of the offending male, or weight in silver, was also appropriated by him. The Gunnacherry receives fees at marriages and deaths of Lingaets; these are detailed under the head Bajee Bab.

9. The sale of sooparee, gunja, tumbakoo, bhunghs, in some cases have been let out in talooks, in some cases mehauls, and in others in pettahs. In some places sooparee is not included in the contract, and the sale of gunja, tumbakoo, and bhungh alone rented; whilst in other places the sale of those articles is altogether free and unrestricted. Local mamool is observed in this respect.

MINUTE *of the* GOVERNOR,

14th January 1823.

Minute of the Governor, 14 Jan. 1823.

THE objects of my journey to the Deccan were, to observe the effects of experimental arrangements adopted for the administration of that territory, and

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and to ascertain what alterations were necessary to render the system more complete.

I am spared the necessity of any description of the present state of the country by the luminous and comprehensive report of the Commissioner, and the full information contained in the letters from the officers under him which accompany that document; I have, therefore, only to state the subjects that have come under my consideration, the remarks that occur to me, and the new measures which I think should be adopted.

Of five months that I have spent in the Deccan I was more than half at Poona, and I afterwards passed through part of the districts of Poona and Ahmednuggur, the Sub-collectorate of Sholapore, the Southern Mahratta country, the territories of Colapore and Sattara, and the lands of the Southern Jagheerdars. During this time I have communicated very fully with the European authorities, and I believe I have seen every native of the smallest consequence in the country. No free communication of their opinions was to be expected from the last-mentioned class, but it affords a great knowledge of the state of the country to hear their complaints and their wishes.

The result of my observation is very favourable to the success of our administration; and even where I would recommend alterations in the plan adopted, I think it is fortunate that they have not been earlier introduced.

The first subject that I considered was the revenue survey and assessment. The Board is well aware of my aversion to this measure, where it is not absolutely necessary. I am, however, persuaded that the advantages of adopting it in the Deccan much outweigh the inconveniences, and that the time is arrived when our Collectors may commence on it without the dangers to which they would at an earlier period have been exposed. I have therefore authorized the Commissioner to direct a gradual survey and assessment of the whole of the Conquered Territory; and it gives me great satisfaction to think that so important and difficult an operation will have the benefit of such experienced superintendence.

The next question in revenue relates to the degree in which the future settlement should be made with the Potails or with the Ryots. The advantages of the former mode are, that it preserves the village government; that it excludes the interference of strangers; and that, as it leaves less detail to the officers of Government, it is less liable to derangement when there happens to be a bad Collector. The advantages of the other modes are, that it checks the tyranny of village magistrates; that it makes the communication more direct between the Government and the people; and that it affords the best security against the frequency of bad Collectors, by the opportunities of knowledge which it affords, and the responsibility which it imposes.

It appears to me that the plan hitherto adopted in the Deccan may, by a slight modification, be made to attain the advantages of both modes of settlement. The survey will fix the rights and the payment of each Ryot, after which the village may be farmed for a certain number of years to the Potail: the Collector retaining the full control of the Koolkurnee's accounts, and being entitled to inquire and to interfere whenever the rights of the Ryots appear to be encroached on. The assessment on the village should be so moderate as to allow some profit to the Potail, even when obliged to make remissions; and the whole profit of the waste lands during his lease should go to him.

All profit from improving his own land should be the Ryot's. At the end of the lease the village should revert for a year or two to the ryotwar system, for the purpose of detecting abuses, either towards Government or the Ryots, and should then be let again on the same principles as before. The leases should be settled in such a manner that no more villages should fall into the Collector's hands at a time than he could easily manage. The chief objection that strikes me to the plan is, that it will be the interest of the Potail to take new lands into cultivation, and that of the Ryot to improve the old: a contrariety which may lead to enmity and persecution on the part of the Potail.

It

It may be possible to guard against this evil, and I have therefore recommended the plan to the attention of the Commissioner.

A number of other subjects connected with revenue are adverted to in Mr. Chaplin's report; but as the course to be pursued regarding them is either pointed out in the same despatch, or adverted to in the draft of the answer, it is unnecessary to enlarge on them here. The draft is annexed: and I beg to refer the Board to it for many particulars which I should otherwise have comprized in this minute.

The judicial arrangements, I am sorry to say, have not been so successful as the revenue. Few causes have been decided, and those with considerable delay and dissatisfaction to all concerned.

The greatest proof of this dissatisfaction is to be found in the number of causes adjusted by razeenamah, or dismissed for non-attendance; since it may be presumed that few complaints have been made until all other means of adjusting them had been tried, and consequently that none would be abandoned while there was hope of an early and satisfactory decision.

The punchayet, on which so much depends, under the native system has shewn all the inconveniences ascribed to it in my report of 1819, while the remedies applied to them have been less efficacious than was then expected.

The causes decided by punchayet have been few, and the reports of most of the gentlemen who had opportunities of observing them are unfavourable to that mode of trial. They have been most successful in Candeish and Dharwar; but the small number of suits in Candeish renders that district an unfit object of comparison: and their success in Dharwar is to be attributed both to the moderate number of complaints, and the extraordinary zeal of the Collector.

It seems to be admitted that punchayets cannot be efficient without this spirit in the superintending officer, and that advantage is too rare to allow of its forming the basis of any judical system. It is indeed one of the great inconveniences of the system of punchayets that it is so ill-adapted to European superintendence. The want of regularity in the proceedings of punchayets make them difficult to revise. Their decisions being founded on traditional maxims, are not easily understood by a foreigner. No European improvements can be grafted on a traditionary body of law, and no hope can be entertained, in such circumstances, of ever framing a simple code, alike intelligible to the Judge and the people.

If it appears that the present plan requires a change, it is necessary to decide whether it should be a total change, by the introduction of the Adawlut, or a gradual and partial one, such as is proposed in my report on the Conquered Territory. Considered abstractly, the former might perhaps be most desirable, but in the present state of the Conquered Territory I am induced to prefer the latter. In examining the advantages of the two systems, I have nothing to add to the comparison in my former report, except that I am more convinced, by subsequent observations, that the failure of the judicial system, where it has failed, is owing to extraneous circumstances. Under the Bombay presidency, where the revenue administration is simple, and conducted on principles familiar to the people, there is no accumulation of causes like that complained of elsewhere; and if there is some harshness in the manner of proceeding of the courts, it may in part be ascribed to circumstances inseparable from the character of our Government, and partly to the neglect of particular privileges and indulgences, which might be preserved without at all affecting the principles of our jurisprudence.

These considerations, and the ill-success of our attempts to stimulate the punchayets, would lead to a decision in favour of the Adawlut: but I do not think the time is yet arrived for strict rules or divided authority, nor do I think we can yet pronounce on the particular modifications which our judicial system ought to experience when applied to this country. Strict rules can only be introduced where the subjects of them are well known, and where there are no extraneous circumstances that require the exercise of discretion.

Here

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Here unforeseen occurrences are daily arising, and there are many considerable chiefs and much independent territory mixed with our own, to which our rules could not apply; in such cases it is necessary sometimes to shew forbearance, and sometimes to use influence in support of legal authority. There are also many classes whom we could easily subject to strict rules, but towards whom such a measure would be harsh and impolitic. I allude to the numerous body of persons who have formerly exercised authority in the Mahratta country, or the foreign possessions of the different branches of that nation, and who have always been treated by the Native Government with respect and forbearance.

Divided authority is never suited to situations where promptitude and vigour are required; and in a new conquest, our ignorance of the state of affairs would prevent our drawing the line exactly between the different functionaries, and the result would be frequent clashing and altercation, and a diminution of that respect for Government which is so essential to its safety. In addition to these reasons for delay, we must remember that, although the Mahratta system is not in our hands sufficient for the administration of justice in all its branches of the community, it by no means follows that we ought to abandon it entirely. We ought rather to try next, what is the least degree of alteration by means of which our object can be attained. We may thus be able to combine many of the native institutions with those which our rules of Government require; and even if we ultimately find it necessary to bring about a total change, it will be no small advantage that we have done it slowly and by degrees.

In the mean time, one great object of the separation of judicial and revenue powers is attained by the authority of the Commissioner, who ought always to be ready to receive complaints from all quarters, and to be an effectual check on the mistakes of the Collectors and the exactions of their officers.

I propose, therefore, that our present alterations should not go beyond the ultimate improvements contemplated in the last paragraph of the Judicial division of my report of October 1819.

The manner in which these are to be adopted is shewn in detail in the rules accompanying the annexed draft of instructions to the Commissioner.

The principal features in the plan are, that the number of Moonsiffs is increased; that the Moonsiffs are empowered to try all causes not specially excepted, without obtaining the previous consent of both parties; that punchayets are confined to particular classes of causes, unless when both parties desire that mode of trial; that the members of punchayets are named from a rotation list when they cannot otherwise be procured; that it is obligatory to serve on punchayets; that greater strictness and regularity of proceeding is introduced, and greater facilities given to appeals both from Moonsiffs and punchayets.

The plan is still very imperfect. One material inconvenience is, that there are two judicial functionaries in each division, which is not unlikely to perplex suitors and to occasion clashing of authority. It appeared, however, that the influence of the Mamlutdar was absolutely required to induce any persons to appear as members of punchayets; and the fear from confusion and clashing is not great, because it is of little consequence by which tribunal a case is tried, provided the parties are satisfied; and if either is dissatisfied, he can rectify any mistake by an appeal.

These rules are not extended to Dharwar, because the present system is more successful there than elsewhere, and because the Collector being zealous and confident, it is desirable to allow the experiment that fair trial which it is sure to receive in his hands.

At Poona, or on the first part of my journey, I was visited by the chiefs of the families of Poorundera, Rastia, Vinchoorkur, and other Jagheerdars who have lost the lands assigned them for the maintenance of troops, and are reduced to those allowed them for their personal support. The retinue of these chiefs was greatly reduced, and they appeared more in the character of private

private persons than they would have done under the Peishwa. They seem, however, to be treated with consideration both by Europeans and natives, and their situation, on the whole, was less melancholy than I expected. The Southern Jagheerdars, who have retained the whole of their jagheers, appeared on a very different footing: they generally came to meet me with considerable bodies of troops, accompanied by elephants and guns. Appa Dessaye could not have had less than one thousand, and Chintamun Rao 1,500 horse and foot, along with them. Many of these, however, were raised for the occasion; and some of the other chiefs shewed more attention to economy than to display.

These chiefs are fourteen in number, of whom nine belong to the family of Putwurdhans; the others are the chiefs of Kittoor, Neepawny, Moodhole, Ramdroog, and Nergoond. None of the whole has more than five lacs of annual revenue, and only one or two of them less than a lac. Notwithstanding violent domestic feuds among the whole of the Putwurdhans, the Southern Jagheerdars are prosperous, and most of them contented. Appa Dessaye, of Nepawny, may perhaps be an exception to the last observation, as a preference was shewn in the settlement to his old enemy the Rajah of Colapore; but he has not given any indications of discontent, and has adapted himself to the new system of government, by entirely abstaining from the acts of tyranny and violence for which he was so remarkable under the Peishwa. Chintamun Rao, on the other hand, without the smallest cause for complaint, is a professed malcontent, and appears desirous of being considered as the last representative of Hindoo independence. His discontent, however, evaporates in long controversial letters, the composition of which appears for some years to have been almost the only employment of his life. Some of his immediate dependants have of late endeavoured to impress on the British authorities that Chintamun Rao is in a state of mental derangement; but no suspicion of that nature appears to exist in any other quarters, and I am led to consider the notion as set on foot for the purpose of securing his lands from confiscation, in case some fresh extravagance should expose him personally to the resentment of Government. Madhoo Rao, of Meritch, is much dissatisfied with the loss of consequence he has suffered by the partition of the jagheer of his branch of the family, but he has never been suspected of any intrigue or disaffection.

As far as I can observe, the lands of the Jagheerdars are well managed; but this seems more owing to the power of immediate supervision possessed by the owner of a small territory, and to the number of experienced and faithful servants trained up in their employment, than to any excellence in their system. Their revenue management must be very arbitrary, since they levy extra cesses in particularly good years, as regularly as they make remissions in bad ones. Their police is complained of by the Collector of the (*Sic orig.*) Southern Mahratta country, whether its efficiency really suffers by a comparison with ours, or because the Jagheerdars are habitually indifferent to the offences committed in the neighbouring districts, as long as they can secure the peace of those under their own authority. I have heard few complaints of individual oppression under the Jagheerdars. Appa Dessaye still retains his two half-brothers in confinement. A brahmin of good family has been for twelve years imprisoned by Chintamun Rao, on pretence of having embezzled a sum of money; but really for his connexion with the Meritch branch of the family. This chief has of late been accused of seizing on the daughters of the people residing on his jagheer, and a complaint is now under investigation against him for carrying off by force two daughters of an immediate subject of the British Government. Outrages so atrocious are uncommon, even under native Government.

The reports already furnished on the Rajah of Sattara's country, leave me nothing to add but my testimony to their correctness. I was particularly gratified by the whole of my observations on the conduct of the Rajah and the condition of his country; and although it cannot be doubted that his administration will gradually fall into the abuses and relaxation natural to an Indian Government, yet I hope the influence we have exercised, both on the character of the Rajah and in the organization of his government, will long secure its superiority to that of other native states.

Minute of the Governor, 14 Jan. 1823.

Deccan.

The appearance of the Rajah's durbar is as respectable as that of any, even of the most powerful native princes. His own conduct towards his chiefs and dependents is consistent and dignified, and his intercourse with the gentlemen of the presidency perfectly cordial and unreserved. The Rajah's application to business is very creditable to him, and he appears to be well aware of the value we attach to his exercise of it: at my first private interview with him, he produced the latest accounts of his revenue and expenditure, as well as a view of the state of the judicial business of his country; all of which had been prepared as methodically as it would be in our territories.

I had the same complaints from the Rajah's Ryots as from our own, of the effects of low prices and partial failures of crops; and had also other complaints from individuals, but nothing that shewed the Rajah's country to be at all in a worse state than the Company's. I, of course, declined interfering with any of these complaints, except when they concerned people entitled to our protection.

The principality of Colapore is not in such favourable circumstances as when I was last in the Deccan, but it is still in a state of peace and prosperity superior to what it has enjoyed at any former period.

Being a branch of the Government founded by Sewajee, it naturally partook of the vices and disorders of its original; and its prosperity was further checked by the powerful and hostile neighbourhood of the Peishwas.

In these circumstances, Colapore became the constant scene of war and turbulence, and the refuge of all the plunderers and pirates of the neighbouring countries. The alliance with the British Government occurred at a time when Colapore was reduced to the last degree of weakness, by an unsuccessful and protracted war, and was followed by the death of the Rajah and a long minority. The Government fell into the hands of men of peaceful habits, who were enabled to maintain their authority by the support of the British Government; and the consequence was, an unusual interval of order and tranquillity, which lasted till the assassination of the late Rajah. His successor entertained the strongest jealousy and dislike of the minister by whom the administration had long been conducted, and has now taken the conduct of his Government into his own hands. He is a very young man, not destitute of ability, but without application; of an arbitrary disposition, and ill-esteemed by his subjects, not only for his exactions, but for his low amusements and degrading vices. He has no professed prime minister; and his advisers are men brought up in the old disorders of Colapore, and averse, from faction and habit, to the regular government that prevailed under the late minister. It may therefore be expected that the police of the country will be so far neglected as to be inconvenient to the neighbourhood. The Rajah may involve himself in great pecuniary embarrassment, and he may be led, by his violence and necessities, to encroach on the hereditary possessions of enams and jagheers to such a degree as to provoke resistance, and thus throw the whole territory into confusion. The vicinity of the ghauts, and the circumstance of his being surrounded by jagheers which are some obstruction to our intelligence, if not to our measures of policy, would render a disturbance in his country particularly inviting to the unsettled and disaffected part of the inhabitants of the Deccan, and render it necessary to guard against such an occurrence. But it is still desirable that our interposition should be limited to advice in cases of necessity; and that, even if we are compelled to assume a peremptory tone with the Rajah, we should avoid such engagements to any of his subjects as may lead to any permanent interference in his affairs.

(*Sic orig*

My letter of .... to Mr. Chaplin shews the particulars which passed at my interviews with the Rajah, whose tone towards the British Government was entirely that of gratitude and dependence.

The complaints and applications I have received are generally such as might be expected in a country in which people's fortunes have lately undergone so great a revolution. They do not shew the grievances of the people so well as they would in other parts of the country; nor is the small number of them so great a proof of want of confidence, because the natural authority to complain

Minute of the Governor, 14 Jan. 1823.

Deccan.

plain to is the Commissioner, and none came to me but those who thought they had not obtained justice from him, or who thought their request depended on the favour of Government. I suppose it is partly owing to this reason that I have had very few complaints against the officers of Government, either for over-assessment or other acts of oppression.

In one part of our journey, in the country lately ceded by the Nizam, numerous complaints of over-assessment were made to the Commissioner; and it may be inferred that the same would have happened elsewhere if there had been the same reason.

As I held frequent durbars, many applications were made and answered verbally; but those delivered in writing amount to something less than 500. Of these about one hundred and fifty are for pensions and similar indulgences; twenty-eight are for employment; twenty-one for the restoration of lands resumed under the Peishwa's government; about one hundred and eighty are about private disputes, which belong to the administration of justice; a number relate to enams and jagheers within the territory ceded to the Nizam. Some are from bankers, claiming payment of old debts from Jagheerdars; and others from debtors claiming protection against the demands of their creditors, on the ground of their having lost the employment which would have enabled them to discharge them. A large class was from claimants to wurshasuns (a sort of annual pension confirmed by the proclamation of Sattara), the nature of whose rights have every where been extremely difficult to ascertain, from the want of regular grants and the deficiencies of village and district records.

To complete the list of complaints, must be added those of a great number of villagers who came in bodies, both at Poona and in the country, to represent the impossibility of their paying their rents, owing to the cheapness of grain and the partial failures of crops.

The political state of the Conquered Territory appears to me (as it might naturally be expected to do to a temporary visitor) even more favourably than to the Commissioner. I am much struck with the change in this respect since I was last in the Deccan. Bajee Rao appears now to be little thought of; there is no talk of conspiracies and combinations. The number of unemployed soldiery is not visible as formerly, and every thing wears an aspect of stability and good order. These appearances are certainly not to be entirely depended on; but the chance of disturbance must be greatly diminished since the period alluded to. Should any occur, its character will probably be different from what was then contemplated. The rapid mortality among the horses will remove the scene from the plains of the Deccan to the strong countries in the west, which are adapted to the operations of irregular infantry. The jungles near Goa, those belonging to the Rajahs of Colapore and Sattara, and Jamboolee, together with the hilly and woody parts of the Concan, are those where any assemblage of banditti should be most carefully watched, and most vigorously suppressed. The alarm spread by Roop Sing throughout the Southern Concan, is a sufficient indication of the probable effect of such an occurrence.

Camp, Coomarlee Ghaut,
14th January 1823.

CHIEF SECRETARY *to* GOVERNMENT, *to the* COMMISSIONER *in the* DECCAN,

Dated the 19th March 1823.

hief Secretary
) Government,
) March 1823.

Sir:

1. I am directed by the Honourable the Governor in Council to acknowledge the receipt of your letter dated the 20th of August, containing a report on the present state of the territory conquered from the Peishwa, and accompanied by despatches from the different officers under your authority.

2. I am directed to return you the acknowledgments of the Governor in Council, for the able, luminous, and comprehensive view which you have afforded of the present state of this part of our possessions, and to express his satisfaction

Chief Secretary to Government, 19 March 1823.

satisfaction at the prosperous condition of the territory committed to your charge.

Deccan.

3. The instructions already issued for the commencement of the revenue survey leave little to observe on the first part of the report now acknowledged. It is only necessary to notice, that the Honourable the Governor in Council retains his anxiety that the assessment should be light, as well as equally distributed, and that he considers the attainment of those objects to be of more importance to the happiness of the people than all the other measures which can be influenced by the regulations of Government.

4. The importance of securing the rights of the cultivators, under every species of holding which may be in use, has already been pointed out to your notice, and would not have escaped your own observation. It is only mentioned here for the purpose of expressing the wish of the Governor in Council, that if any of them have been endangered by the istawa cowls alluded to in paragraph 27, care may be taken to restore their security.

5. Adverting to the degree of interest which seems heretofore to have been allowed to the Potail on the revenue of his village, and to the extent of interference which the Government appears to have exercised in its internal affairs, it occurs to the Governor in Council that a modification of the former system might be adopted which should possess most of the advantages of a complete ryotwar settlement, without any of the inconveniences apprehended from that mode of management. The plan alluded to is, that after the rights and payments of each Ryot shall have been fixed by the survey, the village shall be farmed for a certain number of years to the Potail, the Collector retaining the control of the Koolkurnee's accounts, and a title to interfere whenever the rights of the Ryot appeared to be encroached on. The assessment should be so light as to allow some profit to the Potail, after making the same remissions to the Ryots which would be made by the Government. The profit derived from waste lands during the farm should belong to the Potail, and that from the improvement of each man's lands, to the Ryot. At the end of the lease, the village should revert for a year or two to the ryotwar settlement, (*Sic orig.*) for the purpose of detecting abuses, either towards the Government or the Ryot, and should then be let again on the same principles as before. The leases should be for such periods that no more villages should fall into the Collector's hands at a time than he could easily manage, by which means he would be relieved from much of the detail of collecting, without losing his means of knowing the circumstances of the country, or protecting the rights of the people.

6. The Governor in Council will be happy to be informed of the opinion you may form on this subject during the progress of the survey. His reason for pointing it out at present is, that he conceives it to be desirable, with a view to the gradual expiration of the leases already alluded to, to introduce the system into each pergunnah as the survey is completed. Should the principle of the plan appear desirable, your experience will enable you to point out any further rules which may be necessary to secure the rights of the individual cultivators, and to prevent the ill effects that may be apprehended from the conflicting interests of the Potail and Ryots; the former of whom will naturally wish to extend the cultivation, and the latter to improve what is already cultivated. Among other expedients, you will probably approve of some reform of the Koolkurnees' accounts, upon some principles resembling that already established in the old districts under Bombay. The Governor in Council considers such an arrangement as peculiarly well adapted to secure the rights both of Government and of the Ryots.

7. The consolidation of the various umuls collected by Government and individuals appears to be highly desirable, and the plan which you have recommended in paragraph 42 meets the entire approbation of the Honourable the Governor in Council.

8. The Governor in Council considers it to be established, in the course of your view of the meeras tenure, that there does not exist in the village community any right to sell the waste lands of the village; but, considering how much that community has the power to encourage, and still more to discourage

new

new settlers, it appears to him desirable to interest it in the extension of the meeras tenure, by allowing it to sell ghutkool lands as formerly, provided that the purchasers shall take the land subject to the discharge of all the dues of Government.

Chief Secretary to Government, 19 March 1823.

Deccan.

9. The Governor in Council, however, suggests this opinion for your consideration, without pronouncing decidedly on the question.

10. Your observations and suggestions on the subject of mints have been referred to the Mint Committee at Bombay, and you will, in due course, be informed of their report.

11. The indiscriminate exaction of village balances, pointed out in the two hundredth paragraph, appears to the Governor in Council to be attended with evils of some magnitude, and he hopes you will consider the possibility of applying a remedy.

12. On the rest of your report on the land revenue the Honourable the Governor in Council has no observation to make, except to express his sense of the value of the information it contains, and his concurrence in the plans recommended for the future.

13. The topics alluded to in the branch of your report which relates to civil justice have been so fully discussed in your personal intercourse with the Honourable the Governor, and the results are so fully recorded in the accompanying rules, chiefly drawn up in communication with you, that nothing further need be said in this place. Adverting, however, to the probability of the introduction of separate judicial authorities, on a model approaching to that in use in the old provinces, the Governor in Council is desirous of drawing your attention to the means best adapted for reconciling that mode of administration to the existing state of the Mahratta country, that you may have full time to prepare and suggest such modifications as may be requisite to prevent that system from clashing with existing opinions and institutions. You will be pleased to fill up, as you think most suitable, the blanks that have been purposely left in the enclosed rules.

14. I am directed to express the entire concurrence of the Honourable the Governor in Council in the plans suggested under the head of Criminal Justice and Police, and his wish that you should, as soon as convenient, draw up corresponding instructions to the officers under your authority.

15. Your suggestions for diminishing the use of spirituous liquors, and for prohibiting the sale of unknown children, are particularly consonant to the views of the Honourable the Governor in Council.

16. The observations in paragraph 286 and the following paragraphs, connected with the exchanges with his Highness the Nizam and with Scindiah, will be pointed out to the particular attention of the Supreme Government.

17. The arrangements adopted in respect to the Putwurdans, and the arbitration proposed in paragraph 304, are entirely approved.

18. The remaining paragraphs on the political state of the country, though highly interesting and important, call for no specific remarks or instructions.

19. The Governor in Council regrets that he is compelled to differ with you, respecting the expediency of employing natives of the Company's old possessions in the administration of the country conquered from the Peishwa.

20. The Governor in Council admits the superiority of the inhabitants of our old territories in the forms of business, and in regularity and obedience; but he thinks those advantages more than counterbalanced by the introduction of another class of foreigners between us and the people of the country, in the exclusion which it would occasion of the natives from offices of trust, and in the unpopularity it would occasion in addition to that to which, from causes inherent in our own situation, we must already be subject.

21. The Governor in Council considers the restriction imposed on the Mamlutdars in paragraph 385 to be judicious, and feels the strongest impression of the importance of a Collector's affording regular access to all complainants. The Governor in Council observes with satisfaction the attention

Chief Secretary to Government, 19 March 1823.

paid by you to this object, and is of opinion that it cannot be too strongly enjoined to the Collectors.

Deccan.

22. The Governor in Council entertains a high sense of the importance of the attention to natives of rank, which is dwelt on with so much truth in your 392d paragraph. He requests that particular pains may be taken to explain to the public functionaries in the Deccan his anxiety that they should endeavour to conciliate the gentry of the country, and his conviction that no branch of their public duty has a stronger claim on their observance.

23. The Governor in Council will take into early consideration the useful suggestion contained in paragraph 393.

24. The Governor in Council is persuaded that, for the reasons assigned in paragraph 396, it would be illiberal and impolitic to direct any further reduction of the sum distributed for the encouragement of Hindoo learning under the name of the Dukshana, and he is pleased to declare it fixed at the amount of 35,000 rupees. The reform which you have suggested should however be enforced.

25. In conclusion, I am directed by the Governor in Council to record the gratification he has received from the able reports of the Collectors, whose official conduct has already on many occasions received the applause of Government; and to express his particular approbation of the information, ability, and diligence of Lieutenant Macleod.

I have, &c.

Bombay Castle, 19th March 1823. (Signed) W. NEWNHAM, Chief Secretary.

CIRCULAR *of* WM. CHAPLIN, Esq. *to* COLLECTORS,

Dated the 23d December 1821.

Judicial Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Mr. Chaplin's Queries, 23 Dec. 1821.

SIR:

1. With reference to the last paragraph of my letter of the 22d instant, I have the honour to request you will inform me whether the influence of Potails in matters of police is as great as ever? Whether any rules have been instituted, or proclamations issued, in regard to the receipt of stolen property? Whether villages have been obliged to pay for property stolen within their limits, and in how many instances, and to what extent they have been held responsible? Should any restrictions on persons travelling with arms be still kept up, you will be so good as to mention to what degree, and favour me with your opinion as to the expediency of doing them away altogether.

2. In matters of criminal justice, I beg you to acquaint me what latitude of power Potails now possess of punishing offenders; whether their authority exceeds or falls short of what it formerly was, and whether the fear of our strictness at all deters them from acting?

3. In the event of your having observed any symptoms of increasing audacity in offenders, arising out of the difficulty of conviction and the moderation of punishment under our regulations, I request you will explain the circumstances.

4. In the article of civil justice, you will be pleased to explain briefly the manner in which suits referred to Mamlutdars are disposed of; to what extent they decide causes themselves or refer them to punchayet, and how far the people are satisfied or otherwise with the integrity of these officers in judicial matters.

5. You are also solicited to state how far the rules laid down in the circular under date the 27th June 1820 are attended to in practice, and whether they are in any respect exceeded, or remain to be brought into operation.

6. The present state of tukkaza requires to be noticed; also the extent to which Potails settle disputes themselves, or hold village punchayets. The same remark is applicable to Shetties of trades employed in judicial matters; I beg

Judicial Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Mr. Chaplin's Queries, 23 Dec. 1821.

Deccan.

I beg you to inform me whether these officers send any returns, act under any forms, and whether appeals lie from their decision. It will be satisfactory likewise to learn from you how far punchayets are more or less frequent than under the Peishwas, and whether their slowness of decision still continues as great as formerly.

7. The share which Jagheerdars, small and great, and Enamdars take in the administration of justice and police requires to be mentioned; and your opinion as to the regularity of their proceedings, their popularity, and their feelings towards our Government is solicited, together with your sentiments in general as to what are regarded as the principal novelties in our judicial, police and political conduct, and what is in each approved and disapproved by our new subjects.

8. You are also requested to explain the mode in which Aumeens are employed, whether in trying causes themselves, superintending punchayets, or shaping for the consideration of these tribunals causes referred to them for this purpose by Collectors; whether there are many appeals from the decisions of Aumeens; how far they are generally honest, and in what degree of consideration they are held by the natives; you will be so good, at the same time, to point out the checks under which the conduct of Aumeens is regulated.

9. If any limitation of time in respect to the filing of suits, or to the periods after which appeals are not receivable, have been imposed, the particulars should be specified.

10. Information regarding the mode in which the suits wherein Sirdars are parties; the way in which decisions are enforced, and the frequency, or infrequency of suits and complaints of this description, is likewise solicited.

11. I have further to beg the favour of you to state whether frivolous complainants or litigious defendants are ever fined, and whether or not appellants are compelled to enter into bonds for the payment of a penalty in the event of their complaints proving vexatious. In respect to the execution of decrees generally, I beg you to inform me whether they are enforced by the attachment and sale of houses and implements of trade, or by what other process; and in regard to imprisonment for debt, that you will explain how the period is regulated: whether it be proportionable in any manner to the criminality of the debtor, or whether it be indefinite till he satisfy the demands of his creditor.

12. The rules under which the subsistence-money is paid by creditors to debtors when in jail should likewise be stated.

13. If private arbitrations, or ghur sumjhoot, are less common than heretofore, it will be desirable that you should offer your opinion as to the cause of their infrequency.

I have, &c.

Camp, at Tappergaum, (Signed) W. CHAPLIN.
23d December 1821

Information to be obtained from each of the Zillahs.

1. What number of civil suits has been instituted in the two last years; or three, if the system has been in operation three full years?

2. How many of those suits have been for claims exceeding one thousand rupees?

3. How have those suits been disposed of, or by whom decided?

4. How many of the aggregate number of those suits has originated at the Sudder station, and how many in the pergunnah? Have these latter been decided on the spot, or have the parties been obliged to repair to the Sudder station?

5. How many of these were revenue suits, and in how many were the cultivators of the soil parties?

6. In

Judicial Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

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Deccan.

6. In all cases, insert the date when the suits were filed and that when it was decided.

7. What was the expense, under all heads, to each party in every cause?

8. What number of suits are in arrear?

9. How many persons have been apprehended within the same period in each zillah?

10. Of those, how many have been discharged as innocent?

11. How many tried, capitally convicted, and executed?

12. How many of those capital offences were committed at the Sudder station?

13. Those committed in the pergunnahs, were they tried on the spot or at the Sudder station?

14. If at the latter, how many persons were summoned as witnesses?

15. Of the offences not capital, by whom were they taken cognizance?

16. Were they tried on the spot where the offences were committed?

17. If not, where were they tried, and how many witnesses were in attendance?

18. In all cases, state the time that clapsed between the apprehension of the offender and the trial?

19. How many convicts are there in jail?

20. And how many debtors, and what may the amount of the debt be?

H. D. ROBERTSON, Esq. *to* Wm. CHAPLIN, Esq., *Commissioner, &c. &c.*, *Dated the 31st July 1822.*

Mr. H. D. Robertson's Replies to Queries, 31 July 1822.

Sir:

1. I have the honour to reply to those parts of your letters dated the 3d, the 4th, the 6th, and the 8th instant, which relate to inquiries regarding crimes.

2. The first enclosure which I herewith submit will be found to contain a comparative abstract of all crimes tried in the Poona district for the years 1819-20, 1820-21 and 1821-22, and also the number of persons apprehended in each year who have been released, acquitted from want of proof of guilt, or from ascertained or apparent innocence. This return, you will observe, furnishes a reply to the ninth and tenth queries of the enclosure to your letter of the 3d of July.

3. I submit, in the enclosure No. 2, a return of heinous offences committed in the Poona collectorship, from the 1st July 1819 up to the 30th of June 1822, of which none of the perpetrators have yet been found.

4. In reply to the 12th query of the enclosure of your letter dated the 3d instant, I have to state, that the number of capital offences committed at the Sudder station is as follows:

	Cognized and tried.	Perpetrators undiscovered.	Total.
1819-20	3	4	7
1820-21	3	2	5
1821-22	5	1	6
Total in three years	11	7	18

To this I beg to subjoin a similar return of such offences committed in the districts:

In

	Cognized and tried.	Perpetrators undiscovered.	Total.
In 1819-20	2	4	6
1820-21	11	5	16
1821-22	14	6	20
Total in three years	27	15	42

Judicial Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Mr. H. D. Robertson's Replies to Queries, 31 July 1822.

Deccan.

These returns give the following results. Of eighteen capital offences committed at Poona, the perpetrators of eleven have been judicially examined; and of forty-two in the districts, an investigation of twenty-seven has been gone through. It also shews, that of sixty offences of this nature, nearly one-third have been perpetrated in Poona.

5. In reply to the thirteenth query, I beg to inform you that all capital offences have been tried at the Sudder station by the Provisional Magistrate himself, after the offenders were committed to stand their trial (from appearances of guilt against them), by one of his Assistants.

6. The fourteenth query I beg to answer by stating, that the whole number of witnesses summoned from the pergunnahs, in capital trials, was in each year as follows:

In 1819-20	12
1820-21	84
1821-22	188
Total	284

As all these witnesses, excepting one only, attended to give evidence on crimes committed in the districts, and as the number of crimes was twenty-seven, the average result is ten witnesses in each case.

7. Offences not capital, adverted to in the 15th Query, have sometimes been tried by the Provisional Magistrate; but more usually, and for the last eight months, solely by his Assistants. Every petty case of abuse and assault in the districts were cognized by the local officers; and, in reply to the 16th Query, I have to state that, unless offences were very trifling, they were not tried on the spot. The only, but very unusual, exceptions were those brought before the Magistrate while travelling in the districts settling the jummabundy.

8. In answer to the 17th and last Query of the enclosure to your letter of the 3d July, not subsequently dispensed with, I have to state that the number of witnesses summoned from the pergunnahs in offences not capital was, in in 1819-20, in nineteen cases, originating out of Poona, seventy-five. In 1820-21, in twenty-six such cases, ninety-one witnesses were summoned: and in 1821-22, in fifty-five cases, 242 were called; in all, 100 cases, and 408 witnesses, which gives the average of four to each case.

9. In elucidation in detail of these results, I have the honour to submit the Mahratta Enclosures A, B, C, D, E, F, whose totals are succinctly stated in English in No. 3 and G, H, I, which last bear reference to the 17th Query.

10. I respectfully hope the information communicated will be found to be what is wanted. In case I have omitted any, I beg you will do me the favour to inform me what is wanting, that it may be furnished as soon as I can supply it.

I have, &c.

Poona,
31st July 1822.

(Signed) H. D. ROBERTSON,
Collector.

COMPARATIVE ABSTRACT *of Crimes tried in the Poona District for the Years* 1819-20, 1820-21, *and* 1821-22, *shewing the Number of Commitments and Convictions for each Year.*

1	2						3						4					
	Murder.						Gang Robbery.						Highway Robbery.					
	1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.	
	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.
	36	6	40	6	20	10	40	27	*	48	81	31	25	8	19	7	4	6
Released	4		3		6		3		22		14		5		1		4	
Acquitted	29		25		15		8		11		28		12		3		11	
Total	33		28		21		11		33		42		17		4		15	

1	5						6						7 (Continued.)					
	Burglary.						Homicide.						Theft.					
	1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.	
	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.
	..	..	..	..	..	..	..	..	..	5	1	1	39	42	57	45	85	78
Released	..		..		..		..		..		1		..		..		14	
Acquitted	..		..		..		..		..		..		1		13		10	
Total	..		..		..		..		..		1		1		13		24	

(Continued.)	8						9						10					
	Arson.						Receiving Stolen Property.						Violent Assault or Affray.					
	1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.	
	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.
	..	..	1	..	5	1	9	8	5	11	17	9	2	1	1	2	7	5
Released	..		..		..		8		10		7		..		1		3	
Acquitted	[illegible]		1		5		1		..		8		..		..		2	
Total	..		1		5		9		10		15		..		1		5	

	11						12						13 (Continued.)					
	Perjury and Forgery.						Coining, or issuing bad Coin.						Rape.					
	1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.	
	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.
	1	..	1	2	13	13	10	10	13	5	22	11	2	1	1	2	1	..
Released	..		..		1		7		4		9		..		1		..	
Acquitted	..		..		..		..		8		11		..		..		1	
Total	..		..		1		7		12		20		..		1		1	

(Continued.)

	14 Petty Thefts.						15 Petty Assault.						16 False Accusation.					
	1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.	
	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.
	493	280	599	310	463	307	205	145	251	114	314	188	19	16	13	16	34	32
Released	255		253		275		145		105		183		16		15		28	
Acquitted	204		285		160		59		122		139		3		..		2	
Total	459		538		435		204		227		322		19		15		30	

	17 Performing Incantations, and Swindling as Alchymists.						18 Procuring Abortion.						19 (Continued) Treason.					
	1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.	
	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.
	12	13	..	..	5	1	7	4	..	..	..	..	..	..	8	1	27	19
Released	10		..		1		..		..		..		..		..		14	
Acquitted	..		..		4		3		..		..		..		10		12	
Total	10		..		5		3		..		..		..		10		26	

Continued.

	20 Swindling.						21 Raising Bunds.						22 Over-Exaction and Extortion.					
	1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.	
	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.
	5	2	15	2	..	..	..	..	20	..	74	23	..	..	1	..	3	2
Released	0		0		..		..		0		2		..		..		..	
Acquitted	7		13		..		..		3		47		..		..		1	
Total	7		13		..		..		3		49		..		..		1	

	23 Attempting to Poison, but failing therein.						24 Injuring through Carelessness.						25 (Continued.) Cowardice and Neglect of Duty.					
	1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.	
	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.
	..	..	1	..	5	4	..	..	4	2	1	..	..	..	..	..	11	10
Released	..		..		3		..		2		..		..		..		.	
Acquitted	..		1		1		..		2		1		..		..		1	
Total	..		1		4		..		4		1		..		..		1	

COMPARATIVE ABSTRACT *of Crimes tried in the Poona District for the Years* 1819-20, 1820-21, *and* 1821-22, *shewing the Number of Commitments and Convictions for each Year.*—(Continued.)

(Continued.)	26						27						28						29					
	Taking Bribes.						Allowing Prisoners to Escape.						Contempt of Court.						TOTAL.					
	1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.		1819-20.		1820-21.		1821-22.	
	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.	Commitments.	Convictions.
	..	..	..	..	36	12	..	..	1	..	20	6	..	..	4	5	26	24	908	563	1,120	583	1,278	793
Released	..		..		8		..		..		4		..		5		23		453		422		600	
Acquitted	..		..		17		..		1		14		..		..		2		327		495		492	
Total	..		..		25		..		1		18		..		5		25		780		917		1,092	

(Signed) H. D. ROBERTSON, Provincial Magistrate.

A RETURN *of Capital Offences, (Murders, Treasons, Bunds,) Committed and Cognized, and of those also, the Perpetrators of which are not yet Discovered, in the Poona Collectorship, from the* 1*st of July* 1819 *to the* 30*th of June* 1822.

	TOTAL NUMBER of CAPITAL OFFENCES Committed.												TOTAL NUMBER of WITNESSES Summoned to POONA.											
	Tried.				Perpetrator not Discovered or Tried.				Total of Offences.				From the Pergunnahs.				In the City.				TOTAL.			
	1819-20.	1820-21.	1821-22.	Total.	1819-20.	1820-21.	1821-22.	Total.	1819-20.	1820-21	1821-22.	Total.	1819-20.	1820-21.	1821-22.	Total.	1819-20.	1820-21.	1821-22.	Total.	1819-20.	1820-21.	1821-22.	Total.
Total..	5	14	19	38	8	7	7	22	13	21	26	60	12	84	188	284	22	30	37	89	34	114	225	373

(Signed) H. D. ROBERTSON.

ABSTRACT, *containing Answers to the Civil Branches of the Queries forwarded in the Commissioner's Letter of the 3d July* 1822.

(Continued.)……

	Query 4th.		Query 1st.	Query 2d.		Query 5th.				
	Number of Suits filed at the Hoozoor.	Number of Suits filed in the Districts by the Mamlutdar.	Total Number of Suits filed in the Poona Collectorate.	Number of those filed for Money or personal Property above Rs. 1,000.	Aggregrate Amount of those Suits. (Rupees. A. P.)	Number of Suits filed in the Poona Collectorate on the subject of Revenue or Revenue Suits.	Number of Suits filed in the Poona Collectorate wherein the Plaintiff was a Cultivator.	Number of Suits filed in the Poona Collectorate wherein the Defendant was a Cultivator.	Total Number of Suits filed in the Poona Collectorate wherein both Plaintiff and Defendant were Cultivators.	Total Number of Suits filed in the Poona Collectorate wherein Plaintiff or Defendant, or both, were Cultivators.
From 1st July 1819 to 30th June 1820..	4,104	..	4,104	265	10,40,816 1 81	…………	69	202	207	478
From 1st July 1820 to 30th June 1821..	2,102	655	2,757	267	11,94,839 0 44	…………	188	153	155	496
From 1st July 1821 to 30th June 1822..	1,519	917	2,436	214	9,68,532 1 81	…………	211	154	166	531
Total three years……	7,725	1,572	9,297	746	32,04,188 0 6	…………	468	509	528	1,505

……*(Continued.)*

	Query 4th.	Query 7th.					
	Number of Suits transferred from the Mamlutdar, and decided at the Hoozoor.	Number of Suits in which any Expense has been incurred by the Parties.	Aggregate Amount or Value of those Suits. (Rupees. A. P.)	Aggregate Amount of Expenses incurred by the Plaintiffs in them. (Rupees. A. P.)	Aggregate Amount of the Expense incurred by the Defendants in them. (Rupees. A. P.)	Total Amount of Expense incurred by both Parties in them. (Rupees. A. P.)	Rate per Cent. which the Costs bear to the Amount of the Suits. (Rupees. A. P.)
From 1st July 1819 to 30th June 1820..	…………	…………	…………	…………	…………	…………	…………
From 1st July 1820 to 30th June 1821..	…………	105	1,64,917 0 31¼	2,493 2 0	2,493 2 0	4,987 0 0	3 11 9
From 1st July 1821 to 30th June 1822..	2	34	1,41,225 2 44	882 0 0	882 0 0	1,764 0 0	1 9 9
Total three years……	2	169	3,06,142 2 75¼	3,375 2 0	3,375 2 0	6,751 0 0	4 1 8

(Signed) H. D. ROBERTSON,
Poona Collector and Magistrate.

Judicial Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Mr. J. Briggs' Replies to Queries, 11 Feb. 1822.

Deccan.

J. BRIGGS, Esq. *to* W. CHAPLIN, Esq.,

Dated the 11th February 1822.

SIR

1. I have the honour to acknowledge the receipt of your letter of the 23d December, containing queries on judicial subjects, to which I shall proceed to reply in the order the queries are proposed.

2. The influence which Potails formerly had in matters of police, as well as in all other concerns of the village, arose as much out of the mode of conducting the revenue affairs as from any positive institution under the late Government; and indeed, under the best native Governments, the Potail has the exclusive internal management of the revenue details, and is no further responsible in that respect than to pay the amount fixed, being almost entirely at liberty to levy whatever he can realize, without the grossest oppression on the individuals of the community. This gives him a degree of power which renders his authority in all other matters paramount, the exercise of which depends solely on personal character.

3. Few provinces have been placed under such favourable circumstances for the aggrandizement of the Potails and Zemindars in revenue matters, as Candeish has within the last twenty years; but the same events which promoted their influence over the inhabitants, led also to the abandonment of the villages by the Bheels, the agents of the police. These fled to the hills, armed against the population, and appeared in the shape of hostile bands in such numbers as not only to defy the Potails' authority, but in the course of years to paralyze every exertion to maintain the police These, superadded to our system of administration, which investigates the most minute revenue details, limits the village expenses, and prevents all extra exactions, have no doubt tended in a vast degree to limit the Potail's power and importance.

4. In the absence of almost all official records, these investigations were actually necessary, to ascertain the resources of the country, and to have the means of checking abuses in our hands. But while this important end was in progress of attainment, the exertions that might be expected from a delegated authority, founded on well-merited confidence, have certainly been restrained. In the mean time, the abuses which formerly existed, as connected with the revenue, are, I hope and believe, very much diminished, and the re-establishment of the authority of the Potail is likely to be the result of the progressive restoration of mutual confidence between him and the Government

5. Such is the present state of the authority of Potails; yet they unquestionably consider it to be their duty to apprehend offenders, such as robbers, murderers, &c. &c., against whom information may be given, or in respect to whom suspicious circumstances may exist. They are also bound to enter into an investigation of the circumstances attending all robberies and murders, and to procure the confession of the delinquents. But the mode of recording them, and of obtaining such evidence, under our Government, is so full of nice distinctions, that they in general content themselves with giving information to the Shaickdar or Mamlutdar, who is first of all to be found, and then to be brought from a distance, in order that the whole proceeding may be recorded and regulated according to the rules the local officers have at different times received.

6. A proclamation has been issued, declaring that all stolen property is recoverable by the owner (on proving its identity) from the hands of any person on whom it may be found. In the event of stolen property being recovered by the means of the village authorities, one-eighth of the property recovered is declared to be the perquisite of the Potail, and one-eighth of the village watchmen, if by their means the property has been traced. All gold and silversmiths and traders have been required by proclamations not to purchase any articles of value, either ornaments or cloth, from Bheels, Maungs, Pardies, &c. &c. &c. without first exhibiting them to the village authorities; and it has been publicly declared, that all purchasers of stolen property, without taking these measures, or knowing it to be stolen, will be liable to be punished as principals. Indeed several persons have already been convicted and sentenced.

7. There

Judicial Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Mr. J. Briggs' Replies to Queries, 11 Feb. 1822.

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7. There are only two instances in which the villages have been compelled to make restoration of the amount of property plundered within their limits; and on this subject so much must depend on circumstances, that the exaction of the amount has been left to the discretion of the Magistrate.

8. The restriction on persons travelling with arms was taken off at an early period of our administration, and is limited to a number of persons exceeding ten, who are required to take out a passport; for although I have given every encouragement to induce people to carry arms for their own defence, yet this limitation seems to me to be still desirable.

9. In matters of criminal justice, the power of the Potail is, from the nature of our vigilant administration, almost negative. He has no power to punish, and even if he had, it is more than possible that he would be deterred from exercising it, for fear of being involved in a protracted investigation and journey to Dhoolia, which would be the result of any complaints against him, as the plaintiffs would invariably state that the Mamlutdar befriends him.

10. I am not aware that offenders are more audacious since our rule was introduced; and excepting in the neighbourhood of Parohla Bhurgaon, and even around Dhoolia, where there are from four to five gangs connected with each other, and by whom highway robberies are frequently committed, the occurrence of them in other parts of Candeish is certainly much diminished. The gangs are the refuse of those village Bheels who formerly found shelter among the southern hills. They are too formidable to be combated by the village police, and are too intimately connected with the villages of the districts wherein they abide to become easily tangible; but it is my intention to direct my undivided attention, at an early period, to the extirpation of this formidable drawback on the trade and prosperity of the central districts of this province. These gangs have lately become embodied, and they owe their origin to the mistaken zeal of the Mamlutdars of Bhurgaum and Errundole, who apprehend from fifty to sixty Bheels on the statements of each other: which, although no doubt founded on truth, yet as they for the most part afterwards denied their own confessions at Dhoolia, and as no other evidence was forthcoming against them, they were released; but, instead of returning to their villages, took to the jungles (in the first instance, perhaps, from apprehension of being again seized), from whence they have been unfortunately too successful in their assaults on travellers, either to leave a hope for reclaiming them, or to afford us the means of seizing them again.

11. Where the robbery is of a trifling nature, many people submit to it without complaining, for fear of having to attend the double and treble course of inquiry which is ordered to take place; and even those who have lost considerable property (when there is little chance of recovering it) rather avoid than court inquiry, for the same reasons; and in instances where wounds are inflicted, the evidences consider the frequent attendance on the same trials, which cannot always be brought to an immediate issue, as an additional misfortune, and, in some cases, not less grievous in its consequences than the robbery itself.

12. With regard to highway robbery, I can only repeat my conviction, that no measure would so effectually put a stop to the evil as transportation for life; which I think should invariably follow where there have been wounds inflicted. Minor cases might be condemned to flagellation, imprisonment, and hard labour, according to the atrocity of the case; and where the sentence does not exceed five years' imprisonment, the evidence taken in the mehauls, provided the prisoner confesses his guilt before the Magistrate at Dhoolia, might perhaps be deemed sufficient without any more formal trial.

13. On entering on the subject of civil justice, I shall be pardoned for not going into much detail at present on a subject, which has been hitherto conducted on principles so entirely novel as that of the punchayet, reserving any further observations to a period when I have more leisure to discuss it; and I shall reply briefly, therefore, to the queries with which your letter of the 23d December concludes.

14. It is the duty of the Mamlutdar to determine every subject of dispute referred to him, either individually or by punchayet; or by a written document

Judicial Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Mr. J. Briggs' Replies to Queries, 11 Feb. 1822.

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ment given by the parties, stating they have eventually settled their difference. The Mamlutdars are authorized to decide causes themselves to the amount of two hundred rupees, but they have in few instances done so, from an apprehension of making an enemy of the person who is cast, or who refuses to attend the trial; and who, it may be expected, will not be backward to make even unfounded complaints against him. The Mamlutdars are in consequence held in constant apprehension of exceeding their authority, and deterred from the exercise of their judicial functions; being aware that our notions of performing them are so widely different from the modes practised under the Governments which they have served. All the rules laid down in your letter of the 27th June 1820 have been promulgated; but there is a dread of doing wrong on the part of the Mamlutdars, and a constant unwillingness on their part to undertake the administration of civil justice; which, while it renders them cautious and tardy, makes plaintiffs impatient, and has produced such a mutual aversion on both sides to solicit or to grant justice with that promptness which arises out of confidence, that in about ninety-nine instances out of a hundred the complaint is brought at once to the hoozzoor, merely to procure an order for its investigation.

15. Tukkaza, I imagine, is seldom if ever practised; at all events with any rigour, as no complaints have been made on the subject. Potails and Shettees are authorized to settle disputes by punchayet, to the extent of 150 rupees; but I have not heard of their doing so, though they are not required to adhere to any forms, or even report the number of cases.

16. I cannot say whether punchayets are more or less frequent now than under the Peishwa's Government, but the slowness of their decisions seems unabated.

17. The share which Jagheerdars and Enamdars ought to take in the administration of justice seems undefined. I have had frequent complaints of injustice on the part of the Jagheerdars towards their relations and dependents, which I have usually contrived to redress by writing to the chief, and pointing out the advantages of a private accommodation over that of a formal investigation by me.

18. There are no Aumeens in Candeish; all the judicial duties are performed by the Mamlutdars.

19. There have been limitations of time for filing of suits and appeals, but they have not been always rigidly acted up to. There has been only one suit between Sirdars, which the parties at length mutually adjusted.

20. The attachment and sale of property for debt have in some instances been ordered, but seldom acted upon, as the creditors have usually been satisfied without proceeding to such an extremity.

21. Only one or two instances have occurred of persons being confined for debt, when the creditors have supported them at their own expense.

22. No fines have been hitherto imposed on litigious plaintiffs or litigious defendants, nor have appellants been compelled to enter into penalty bonds to make good their charges,; but I am of opinion that such measures are highly desirable in some cases.

23. With respect to ghur sumgowty, or mutual agreement, it is difficult to say whether they are more or less frequent under our Government. We have no means of ascertaining to what extent they were common under the late Government, nor to what extent they obtain under this. Whenever a suit is entered in this court, and the parties come to an accommodation, their razeenamah is sent in here, and forms a part of the quarterly returns of civil suits; when either of the parties does not file a suit in court, we have no means of knowing of the difference at all.

24. As I am at present much pressed with other revenue and judicial business, I shall defer entering more fully into the subject of civil jurisprudence; but I propose, at my earliest leisure, drawing up a letter containing my sentiments on the punchayet system, which I shall do myself the honour to submit to your notice.

I have, &c.

Dhoolia,
11th February 1822.

(Signed) J. BRIGGS,
Political Agent, Candeish.

EXTRACT *of a* LETTER *from* J. BRIGGS, Esq. *to* W. CHAPLIN, Esq.,
Dated the 31*st May* 1822.

Judicial Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

(Extract.) Mr. J. Briggs, 31 May 1822, on Civil Justice.

Deccan.

1. In the 13th paragraph of my letter of the 11th February last, I did myself the honour to state that I should at some future period address you on the practical effect of the system of jurisprudence as it prevails in this province; and I now proceed to submit my opinions and observations, founded on the limited experience I have had in this department.

2. Since my last letter on this subject, I have received the Selection of Judicial Papers compiled under the direction of the Honourable Court of Directors, and I have derived much valuable information from the perusal of that volume as applicable to the question I am about to discuss. Although it is not my intention to draw any comparison between the judicial system as it prevails in our old territories, I shall sometimes, perhaps, advert to the opinions of the eminent public officers whose reports form part of the work alluded to; and in introducing mine upon your attention at this moment, I am actuated alone by motives, arising out of the absolute necessity of adopting some mode of proceeding more satisfactory and efficient for the administration of justice than the one which prevails here at present.

3. The instructions we originally received on this head seemed to direct the authority to refer all causes of litigation to be decided by a court of punchayet, the decision by which was to be considered as final, unless proof of gross corruption or palpable dereliction of justice was established. It was understood also that no new rules nor innovations of any sort were to be introduced, lest they might altogether subvert what it was intended to improve: the object, no doubt, being to give a practical trial to the system which prevailed under the late Government, as a substitute for our own courts, till it was deemed advisable to introduce them

4. Previously to forming any correct judgment on this important question, it appears proper to consider two things: first, how far the practice of the last three years has been conformable to the system we found established; and, secondly, how far it has answered the expectations formed from its adoption. In reply to the first question it may be said, that no intentional innovation has been introduced but that of prohibiting the receipt of pecuniary compensation by any of the members of the punchayet, or the native writer recording the proceedings. In reply to the second question I should pronounce, that for almost any other country than one reduced to the lowest ebb of poverty, and a very scanty population, the system as it obtains would be wholly inefficient; and this because I feel every day that the power of deciding civil causes by punchayet becomes weaker and weaker, and seems to threaten a total stagnation of justice.

5. At a very early period, I perceived the great reluctance with which almost all persons attended punchayets, excepting on occasions where caste was concerned, and I accordingly recommended that an allowance should be granted to the members while sitting; but it was considered that it might be an encouragement to them to delay decision, and it was not authorized, and has therefore never been again agitated.

6. And now to consider how far the system has been conformable to the practice of the former Government. The punchayet court, under the late Peishwa, was naturally tainted with the corruption of every other branch of the administration, which was notoriously venal from the prince to the peasant; the instructions, therefore, we received in the first instance could be applicable only to the time of the great Madhoo Rao and Nana Furnaveese in the Deccan, and Ahlya Bye and others in Malwa. The punchayet system, therefore, intended to be adopted would have required to be revised altogether: but we were strictly enjoined to make no alterations, excepting where there appeared almost a certainty of the present practice leading to venality; and such no doubt was considered that of paying the members of the punchayet, and tukkaza (a word whose meaning has never been defined) was to be substituted in cases of contumacy or coercion. The conclusion drawn was, that the punchayet is a court of arbitration where defendants are easily brought to meet the plaintiffs; where each party brings its own friends to decide its cause of

Judicial Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

(Extract.) Mr. J. Briggs, 31 May 1822, on Civil Justice.

Deccan.

of dispute; where persons without remuneration willingly abandon all other occupations, to sit for months together to decide other people's causes; where witnesses are all ready to attend when called for; and where the defendant, being condemned to pay a certain sum of money is at once discharged, and the cause brought to a conclusion.

7. It is needless to observe, that such a system neither does nor can prevail in actual practice; but all attempts are made to reduce the punchayet, as nearly as practicable, to the ideal simplicity. Defendants, however, are made to attend to reply to the plaintiff's complaint; members for punchayets are made to attend without using actual force; witnesses are called for; and the proceedings gone through by degrees, till it reaches its decision, after which the decree is to be enforced; but in doing so constant embarrassments and frequent inconveniences and complaints arise, before the person to whom the award is given is satisfied.

8. I cannot better elucidate the subject than by stating the progress of a civil suit in Candeish. It is ordered that Mamlutdars shall be authorized in their judicial capacity to decide causes, without even referring them to punchayet, to the extent of 100 rupees; but as the person against whom he gives judgment invariably lodges a complaint against him (which is done without any expense whatever, as no record of the proceeding is kept sufficiently satisfactory to enable the Hoozzoor Adawlut to judge of the propriety of the decision), the Mamlutdar is compelled to make a journey to Dhoolia, where a new trial is to be instituted; and, in fact, so little object is gained by it, that the aid of the Mamlutdar is now of little or no avail. The same may be said of all causes referred by him to punchayets. The whole train of judicial business concentrates, therefore, in the first instance, in the Hoozzoor Adawlut, and for the simple reason, that the plaintiff is sure almost of an immediate hearing, as the court sits three times a week, and on each occasion exhausts all the petitions found in the box, which, as they cost nothing, are numerous in proportion to the facility of application.

9. It is usual when a plaintiff puts in his petition, if the party against whom he complains is at a distance, to sign the plea, which is understood by the Mamlutdar to signify the defendant should be called on to reply; and if the parties can be brought to do so they come to an understanding, in which case they enter into a razeenamah and farikut, or writ of mutual conciliation and acquittance. If they cannot agree, they are required, in the first instance, each to find a certain number of persons, not less than two, and to any extent they choose, to decide their cause; but in case they cannot both find persons who are willing to undertake the cause, the Mamlutdar has to procure them. The parties now each agree to appear on a certain day with all their witnesses and papers, in failure of which the plaintiff ought to be nonsuited and the defendant cast. But although I was obliged to issue this rule, it has seldom been acted on. The day arrives and the court is assembled; and unless either party objects to any of the individuals produced, they constitute a punchayet; an odd number is then appointed, which ensures a casting vote It is unnecessary to dwell here on the difficulty of procuring the members; but it will easily be imagined how unwilling men must be to quit their own occupations, to attend to others' affairs, without remuneration.

10. It is one of the invariable rules of the punchayet, as it was originally instituted for the object of doing justice, not to enter upon business without having the consent of both parties to abide by their judgment; and first, therefore, they require a razeenamah, or writ of assent, to this effect. At this stage of the proceedings, it is not unusual for one of the parties, who can put his petition in the box without expense, to come to the Hoozzoor and complain that he can get no redress from the Mamlutdar; who writes in reply, that the plaintiff suddenly withdrew when a razeenamah was proposed, declaring he would abide by no decision but one given by me in person. He is now sent back again, and after giving the razeenamah, and the proceedings entered on, some of the witnesses are wanting, and the delay invariably brings the opposite party to the Hoozzoor, where the petition-box is again resorted to. The Mamlutdar is again referred to: the absent witness arrives, but some of the members of the punchayet are gone away in the interim, and others are to be sought for.

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for. It appears new members are not considered to invalidate the proceedings, and the cause goes on day after day, till, just as it is about to be concluded, either plaintiff or defendant withdraws, comes to the Hoozzoor, or absents himself altogether, and the proceedings are all at a stand till he is forthcoming; but in the mean time he comes to the Hoozzoor, and having recourse to the petition-box, protests against the whole proceedings as partial and unjust.

11. To go through a trial of this nature requires several months; and we have an instance of a plaintiff having delayed the proceedings in his own cause for three years, by coming backwards and forwards a distance of eighty miles, constantly complaining of the delays (occasioned only by himself), till it was at length found necessary to send for the parties here, and the plaintiff was cast, in failure of every sort of evidence. It will be pretty clear from the above statement that this system, in cases of persons who are either litigious or malicious, must lead to incessant embarrassment and clog the wheels of justice.

12. Having shewn how the system is carried into effect here, and admitting that this is the practical mode of administering justice under the Native Government, we must either conclude that the people are peculiarly well-disposed to aid each other, and to render impartial justice gratis, or that no justice is rendered at all. The former position I conceive needs no further observation than experience has shewn, that the people, taken in a body, have no particular motive or disposition to aid voluntarily in the administration of justice; nor do I believe that, under good Native Governments, justice was either feebly or badly executed, as I hope to be able to prove.

13. The replies to the third question of the Judicial Selections, adverted to in the second paragraph of this letter, by almost all the civil servants of the Bengal Establishment, seem to prove that the trial by punchayet had been entirely lost under the lengthened period of Mahomedan rule in that quarter, and that, excepting in matters of caste, wherein the Mahomedan courts could not well interfere, the practice had every where been dropt, and may be said to be unknown.

14. The conquests of the Mahomedans had only extended partially over the southern parts of the peninsula of India, and accordingly, in many of the provinces under the Madras Presidency, we found several of the Hindoo institutions in existence, and, as our information has extended, we have gradually become more open to the conviction of the advantages to be derived by the employment of the upper classes of the people in directing, and of the mass of the people in carrying through duties of civil justice, almost without the intervention of European authority. The ancient Hindoo system of punchayet has been distorted and trampled on, not only by the Mahomedans, but by successive ignorant and oppressive princes of their own nation. Its name, and some of the forms, have still survived the rude shocks it has experienced, and it is still venerated, however in practice it may have been misapplied. Like all other institutions under the iron grasp of tyranny, it has assumed the form of the hand which wielded it. We, I conceive, are yet ignorant of the true shape of this machine; but it is quite necessary to comprehend its structure, and restore it to its original functions, before we can hope to render it subservient to the purpose for which it is intended.

15. From all that I have read of the several reports made by those officers of the Madras establishment who speak of punchayets, I am led to believe that they understand by a punchayet a simple court of arbitration, brought together by the parties themselves to produce a reconciliation, or to bring about some mutual accommodation to which both are bound to agree. Experience has shewn us that this is not sufficient to answer the ends of justice, however desirable it may be to encourage such mutual accommodations as much as possible.

17. Now a punchayet is an assemblage of persons to investigate such subjects as may be brought before it. It does not seem necessary that a punchayet should be composed of the friends of any particular party, or even known to them; it is bounden to award justly, and the proverb that "God pervades the punj, "and the punj rely on God," is sufficiently indicative of the importance attached to the duty. But as it is intended that this court should be an appeal to justice, and that no one may have cause to complain after decision is once given,

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given, there are certain forms to be subscribed on entering it, which are equally applicable to it in its capacity as a court of arbitration, as when it forms a part of a court of law.

18. The measure of procuring assent to the decision of the punchayet is of old date in India, both in civil and criminal cases: for while, on the one hand, the debtor cannot be compelled to pay a debt till he acknowledges it is due, so neither can a criminal be punished till he confesses his guilt. These are the forms of the law, and they are by no means novel; they have at one time or other formed part of every judicial code, perhaps, in the universe, and they have been gradually superseded in reality, by the substitution of fictions, even in our own courts of justice.

19. From all the inquiries I have made, I am led to believe that the Hindoo system of punchayet has been altogether subverted in the Deccan, and for the most part in Malwa, since the death of Sevaye Madhoo Rao; and that, to render it applicable to the purposes of essential justice, we must place it on the same footing as it was at that period But, at a distance of twenty-five years, during which it has been suspended, it is not easy to say precisely what that system was, though I do not mean from this to infer that we are wholly without information of the practice, as the Honourable the late sole Commissioner, in his report of the Conquered Country, has entered into this subject under the head of civil justice, and has described it such as it is said existed even under Nana Furnaveese's Government. In those days, however, it is universally admitted that the doors of justice were open, and redress could be had. Each Sirsoobadar was a judge ex-officio, and in Poona there were from six to eight or ten courts, in which presided the men considered most fit, from their integrity, their influence, and their good sense, to conduct the duties, such as Mahadje punt Gooroojc, Ayah Shastree, Govind Punt Apty, Dhondoo Mahadoo, Chintoo Punt Desmook, Naroo Punt Purchary. All causes decided by the Sirsoobadars by punchayet were subject to appeals at Poona, and the final appeal was to Ram Shastree, who seems to have acted as a sort of Lord Chancellor, from whom there was a right of appeal only to the Peishwa himself.

28. The decisions by punchayet in Candeish have been extremely tardy, and the system has been clogged in the whole course of its proceedings, so as to threaten the very overthrow of all substantial justice. Under the best Native Governments its operation is slow; and if we are to believe the statements we receive from the officers of the late Government themselves, it must have been at least a very lax system of jurisprudence. But, setting aside the practice, let us see what are considered to be the rules of the punchayet, and examine how far they differ from those of the ancient English courts, and how far it may be practicable to render them applicable to the ends of justice.

29. The following appears to me, as far as I can understand, the true system of punchayet. First, then, a person feels himself aggrieved, either by having his property illegally taken or detained from him; he procures a petition to be drawn out, stating the subject of the complaint, and submits it to the chief civil authority, who issues an order or mandamus to the Soobadar of the province wherein the defendant resides, to have him before him, and to cause him to reply, or to grant immediate justice. In the latter case, the plaintiff gives the defendant a farikut, or deed of acquittance; or the parties come to an accommodation, when they enter into a razeenamah, or deed of conciliation. In case the defendant refuses to comply with the demand of the plaintiff, the Soobadar or local officer directs them, if they cannot settle the affair by private arbitration by a certain day, to appear before him with an equal number of friends of both parties, to allow them to investigate and decide on it. In the mean time the defendant is obliged to enter into bail security for his appearance, and the plaintiff is bound to prosecute. The day appointed arrives, and either the parties will not, or cannot procure members to sit and decide his cause. All attempts at accommodation having failed of procuring redress for the plaintiff, it is no longer a point in which any thing short of compulsion can effect justice. It is here where the whole of our present system of punchayet fails; but under the Native Government this is not without remedy: the civil authority, whether Soobadar, Nyaeedaish, or in whatever situation he may be, now becomes the efficient judge.

30.

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30. A punchayet of indifferent persons is procured, and it assembles in public at the house of the Judge. The first stage of the proceedings is to cause the plaintiff to enter into two bonds equal to the amount sued for, called hurkee and goonagarree, by which he is bound to prosecute and to make good his plea. By the former, he binds himself to pay the costs that may be awarded by the Judge if he gains his cause, which was usually twenty-five per cent. of the amount actually recovered; by the latter, he consents to abide by any fine that might be imposed on him if the plea is proved to be unfounded and litigious. Sir William Blackstone observes, on the subject of securities given to prosecute, as follows: "The ancient use of them was to answer for "the plaintiff, who in case he brought an action without cause, or failed in "the prosecution of it when brought, was little better than an amercement "from the crown for raising a false accusation, and so the form of judgment "still is" The bond is now, however, mere matter of form. On the other hand, the defendant was obliged to give ample security for his attendance during the trial and for the amount claimed, or if not, the property in dispute was distrained and put under the Government seal. The next bond taken from both parties was a razeenamah, or writ of assent to the members. This was, in fact, only given after both parties had challenged the jury, till they were satisfied that they were unexceptionable.

31. In some instances, before the punchayet opened its proceedings, it required a wurtunook zaminy, or a bail security from the plaintiff for performing whatever was awarded by the court; such as in instances which affected local customs and privileges in virtue of certain landed tenures or hereditary offices and the like; and in case this was refused, Government immediately dissolved the court and rejected the suit, and the plaintiff not unfrequently fined on the goonagarree bond for litigiousness. If this was not required, the court having secured the means of bringing the cause to trial, the punchayet proceeded as follows: First, then, the original writ and the reply of the defendant, with the rejoinder of the plaintiff, were recorded; witnesses procured through the means of the civil authority were heard, and that evidence was considered best when the witness gave it under his own hand. Each party pleaded his own cause, till at length the court, satisfied of the evidence, drew up their sarouch. This was a summary of the whole, recording what they considered to be the true state of the case; and they concluded by assigning their reasons for coming to the decision, which ended the proceedings, when they were signed by the punchayet, and confirmed by the seal of the Judge superintending, who usually awarded a sum to be paid by one or both of the parties to the punchayet for their trouble. Besides the fee to the Government, a khote putr, or acknowledgment of having been proved in the wrong, was required from the person who was cast, or a manga putr, by which he consented to abide by the judgment. These latter documents ought not to be of much importance after the decree has been issued, but they were always enforced.

32. Here are the forms of the punchayet as I understand them to be; they have been entirely disregarded under Bajee Rao's government, and were loosely attended to under that of Nana Furnaveese. But, to give the punchayet system a fair trial, it seems necessary to revise it There are perhaps some other forms with which I am not acquainted; but before adopting them the most complete information should be obtained.

33. To effect this, I conceive it would be advisable to assemble a committee of those persons who are still living that were in the habit of attending the punchayets in the time of Priam Shastry and the various courts at Poona, and call on them for information; references might also be had to the judicial records of those times which may be forthcoming, and the regular official mode of proceeding in a punchayet should be formed into a regulation. But I am of opinion, that unless some remuneration is to be paid to the members of punchayets, there will always be great difficulty in procuring their attendance, so as to answer the ends of justice; and without measures are adopted to compel that of the parties and witnesses also, as well as to secure the objects for which, under the native Government, bonds in every stage of the business are taken,

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to strengthen the hands of the court, and bind the litigants to go through their cause at once, we must despair of rendering the institution efficient.

34. It is not my province to suggest any particular mode of administering justice, it would be presumption in me to enter in detail on so large a subject; but for the state of society here there appears to me, upon the whole, none so closely allied to the ancient institutions of the country as the system lately introduced in the Madras provinces, under Sir Thomas Munro. At present it appears to me that fewer district Moonsiffs, with large pay and fees payable by Government, according to the number of suits decided monthly, might be introduced, and their power enlarged. The Shastree and Kauzy of the court might be appointed Moonsiffs, *ex officio*, under the same regulations as those in the districts.

35. The magistrate and police duties might, as at present, be exercised by the talook Mamlutdar, under the chief civil authority; and the hoozzoor Adawlut might in all cases of emergency summon a punchayet, to be paid liberally, to investigate both civil and criminal cases, and prepare the proceedings to be brought before the superior European officers; to hear and decide civil suits above a certain sum, and to receive appeals from the Moonsiff's court, from whose decisions, however, no appeal should lie, unless it were made within a limited period, and ample security first given for the payment of one-fourth of the amount under litigation, in case of the original judgment standing good.

36. It should be made matter of choice with either of the parties to have the cause decided by punchayet or by the Moonsiffs. In the former case, the members, according to their condition in life, should be awarded a daily subsistence, should be paid by Government in the first instance, and eventually by the persons cast. No fees should be promised in the village Moonsiff's court but what may be allowed by the punchayet when either party demands a trial by that ordeal, to which effect he or they must give a written petition and security for payment of expenses. No fee should be levied for entering the district Moonsiff's court beyond the price of the stamp on which all petitions should be drawn out.

37. In cases where hereditary landed property is the cause of dispute, a punchayet, to be composed of not less than thirteen members, to be district Moonsiffs, and to be selected from among the Zemindars and Potails of the neighbouring pergunnahs, six by each of the parties. On such occasions, unless they can give satisfactory reason for non-attendance, they should be compelled to come, on pain of a fine.

38. The village Moonsiff will require no establishment beyond that of his own village; nor should it be competent for him to take cognizance of any civil suit beyond a limited sum, and then only when both parties are inhabitants of his own village, who are to be summoned verbally. When the cause is decided, and it is considered necessary to use compulsion to enforce the decree, the village Moonsiff should submit the case to the Moonsiff, who will issue the instructions for carrying the decree into effect, the same as if it had been given in his own court.

39. The district Moonsiff should have a deputy to keep his records, and four Chuprassies. The duties of compelling the attendance of defendants and witnesses, procuring punchayet members, distraining or selling property and decrees, should, perhaps, all be done by the Mamlutdar, on written requisitions and awards to that effect. The date of those requisitions would at once point out whether there had been any unusual delay in carrying them into execution; and fine or removal, even in extreme cases, would tend to render this officer attentive.

40. The regulations for the conduct of the Moonsiffs and for punchayets must be subject of future consideration, and will, of course, rest with those whose duty it may be to frame them. But while, on the one hand, they are excluded from any direct exertion of power or act of oppression, their authority should be strictly supported and enforced by the talook Mamlutdars. But if it should be thought desirable to give the system a trial in Candeish, I shall be prepared to draw up and submit a few simple rules, with the aid of the

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the Judicial Selections lately forwarded to this office that may appear absolutely necessary.

41. To ensure success in this undertaking, great care should be taken in the nomination of proper persons for the office of district Moonsiffs. Every Moonsiff should be compelled to take the oaths of office administered to all Judges in open court; after which he should be formally invested with his sunnud and a khiloat, and have the privilege of a chair, either when in the hoozzoor court or when sent for on duty. As the Moonsiffs will have nothing beyond their present situation to look up to, their salary should be liberal, certainly not less than 200 rupees monthly. They ought to be at once well acquainted with the manners and habits of the inhabitants; to be of good family, and of unexceptionable character; to be of a certain age, and, above all, to be without local connexion in the districts wherein they are to be stationed. When once appointed, they ought to be liable to removal by the sanction of Government only, except on full conviction either of venality or of incapacity; and after the age of sixty, they should be permitted to retire in the enjoyment of their full pay for life, excepting in some particular instances, when an exception might be made to this rule at the recommendation of the chief civil authority. It may probably, at some future period, be found necessary to extend the number of district Moonsiffs, when deputies may be appointed, on inferior salaries, to aid the chief Moonsiff of the district, and be stationed at a different place from him.

42. In drawing up the rules for the conduct of Moonsiffs, Mamlutdars, and punchayets, it will be proper to define more the modes of carrying decrees into effect, and of enforcing the payment of debts.

1st. It will be necessary to know whether the sale of a debtor's property should be considered as a discharge in full to the creditor on whose account the sale is made.

2d. Whether the person whose cause is first decided should have the whole of his demands satisfied, although there may be other creditors whose causes are either filed or about to be so.

3d. How far imprisonment for debt is allowed, *viz.* For what period? Who is to support the debtor in jail? If the creditor, and he fails in providing him, is the debtor to be released? Does this act cancel the creditor's claims? If supported by Government, is he liable to be worked? These are all questions that require not to be left matters of doubt, as at present.

43. Amidst the duties in which I have been engaged since I took charge of Candeish, and the variety of novel investigations to which my mind has been directed, the multiplicity of business, the reduction of the Bheels, the establishment of the police, and the revenue investigation (which last required more than ordinary labour and attention), I am free to confess that my experience in judicial affairs has been limited, even for the short period in which I have been entrusted with the court duties of this province; and it is therefore with great deference that I submit the result of my thoughts on this important subject, and I must solicit and hope for indulgence.

44. The result of the punchayet system, as practised in Candeish, has proved inefficient in a great measure, owing to two causes:—first, to the want of a certain set of rules for the conduct of this court; secondly, from the embarrassing situation of Mamlutdars, whose duties are divided between the administration of civil justice and the collection of the revenue; of which they consider the collections not only the most important but their principal duty, the other being a minor consideration, and one to which I have found it almost impossible to direct their attention.

46. I shall be happy if, in my attempt in suggesting those alterations, I may prove successful in restoring to action the Hindoo system of jurisprudence, and rendering it applicable to our notions of justice, as a system which embraces most of the great objects of civil law, bringing redress to every man's door in a shape which the people recognize and venerate, which is obtained with little expense

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expense or delay to the individual, and hardly any to the state. In its operation it violates no feeling; and, lastly, it identifies the people with the Government in the administration of their own laws. It tends to confer on the upper classes, in particular, a degree of importance, and gives them an interest in our rule, which, with the best intentions on our part, is perhaps frequently shaken by the introduction of systems to which the inhabitants are strangers. These systems, it is to be feared, often create and confirm mutual distrust, and instead of serving to unite and identify the nation with its rulers, tend rather to keep them more widely asunder, and more ignorant of the true character of each other.

J. BRIGGS, Esq. *to* W. CHAPLIN, Esq.,

Dated the 31*st July* 1822.

Mr. J. Briggs' Replies to Queries, 31 July 1822.

SIR:

1. In conformity with the instructions conveyed in your letters of the 3d, 4th, 6th, and 8th instant, I do myself the honour to forward a document No. 1, which contains the numerical list of crimes tried in Candeish in the three preceding years, commencing on the 1st July 1819, and ending on the 30th June 1822. The time is too short to admit of any tolerable comparison of the effect of our administration in diminishing ordinary crimes, and the records are not sufficiently regular to enable us to do so. On the whole, however, you will perceive that the number of criminal trials have diminished annually.

2. It is proper for me, however, to explain how this document is formed. A commitment, properly speaking, is when a Magistrate examines the prisoner and the evidence to be adduced against him, in order to authorize his detention in jail till the sessions, or periodical sitting of the court to try him. In this province, this proceeding in all other than capital cases is unnecessary, because either myself or one of my Assistants are present all day, and are prepared, and do try prisoners as soon after their arrival at the Sudder station as possible. The examination that takes place in the talook before the Mamlutdar, in presence of the Zemindars and others, is recorded in writing before witnesses; which document, with the prisoner and the persons who are considered necessary to substantiate his guilt, are sent in to Dhoolia. This is, therefore, properly the commitment; and upon the arrival of the parties, if the evidence for and against the prisoner are present, he is tried immediately; if other witnesses are wanted they are procured, but this case seldom occurs.

3. In crimes of a capital nature, besides the examination of the Mamlutdar, a second examination on oath of witnesses, and the statement or confession of the prisoner, are gone into by one of my Assistants, and the trial is then brought on before me.

4. In the present statement, however, those only are entered as committed who have been actually brought to trial; for although after conviction the commitment may be dated from the day on which a prisoner was originally confined by the Mamlutdar, yet if it appears after his arrival here that the evidence exhibited is not sufficient to proceed legally against him, he is released at once. It does, however, happen in some cases, that the prisoners are detained in jail till further explanation is obtained of certain suspicious circumstances against them, but which on inquiry do not go to establish their guilt; when they are released without trial; and whenever such has taken place, the number of them is exhibited in the accompanying document in the column No. 2, under the head of "apprehended, but discharged without commitment."

5. The document No. 2 exhibits a return of heinous crimes known to have been committed, but the perpetrators of which have not been apprehended.

The

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The list stands as follows :

	1819-20.	1820-21.	1821-22.	Total.
Murder	4	6	7	17
Highway robbery	39	42	30	111
Attacks on villages	7	4	1	12
House-breaking....................	13	5	11	29
Theft and daring robbery..	..	9	3	12
Violent assault	..	3	1	4
Cattle-driving	..	11	4	15

6. There neither appears, from this document nor the last, that there has been much increase nor diminution of crime. Out of two hundred cases, one hundred and eleven are cases of highway robbery, committed almost entirely by Bheels: and these robbers still continue in such formidable gangs as to defy the efforts of the police; and they are so intimately connected with the Bheel population of the villages (the natural and legitimate police), that it is extremely difficult to apprehend them. Indeed our notions of justice, as well as the evidence necessary to conviction, is so little understood, that it has very frequently happened that men of notoriously bad character get off; and the informants have already suffered so severely from retaliation that a great portion of Candeish is at times more or less implicated, either in screening or assisting these desperate gangs. On the occasion of military operations they sink into the population of the country, and no one hardly dares point them out, because they must be convicted ere they are detained, and witnesses are not forthcoming.

7. Cattle-driving and attacks on villages, occupy twenty-eight more of the number of the causes; but within the last year these crimes have ceased in a great measure. The remainder of the list for the three years will then be as follows :

Murder	17	cases.
House-breaking	29	
Theft and daring robberies	12	
Violent assault	4	
Total	62	

Of which one-third may be, at least, ascribed to Bheels: and this leaves the measure of crime, if we except this race, very inconsiderable. The number of highway robberies may be ascribed to two causes; first, that the Bheels, being driven out of the hills in vast numbers, and having no opportunity of selling any cattle they may drive off, as well as the chance of being traced, have induced some of the numerous gangs of the hills to come down into the plain. Here they have the means of burning and destroying villages, it is true, but they cannot dispose of the cattle and goods without apprehension; and they accordingly hold out to the Potails in their neighbourhood the profits of sharing in their booty obtained on the high-road, on the one hand, and threaten them with the means they are capable, and resolved to inflict on those who give information against them, on the other; so that where the cattle of one village supplied the wants of a gang of one hundred men for six months, the same number in smaller parties will commit a hundred highway robberies in the same time.

8. It is to the local officers, such as Potails and Zemindars, to which we must look for assistance under these circumstances; but I have too much reason to believe that there are several Potails of wealth and apparent respectability who are sharers in the booty of the plundering classes.

9. The housebreakers and daring night-robbers, who collect from thirty to sixty at a time, and attack the houses of opulent bankers and merchants, are of

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the classes denominated Pardy, Gessary, and others; regarding whom, it is my intention to address you at a future period. Of the sixty-two reported crimes, their number amounts to forty-one, of which twelve to fifteen may be ascribed to the class I now allude to, and the remainder to Bheels or men out of employ.

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10. I now proceed to reply to each of the questions as far as I am able, and to which the documents in question are not applicable.

1st Question. What number of civil suits has been instituted in the two last years, or three, if the system has been in operation three full years?	*1st Answer.* Shewn in the quarterly reports.
2d. How many of these suits have been for claims exceeding Rupees 1,000?	2d. It seldom ever happens that in suits decided by punchayet, the value of property, such as cattle, silver ornaments, household utensils, &c., is estimated: it is therefore impossible to state how many suits are for claims exceeding in value one thousand rupees; but on reference to the registers, it appears that only sixteen suits are for claims in money exceeding one thousand rupees.
3d. How have these suits been disposed of, or by whom decided?	3d. No reply required.
4th. How many of the aggregate number of suits has originated at the Sudder station, and how many in the pergunnahs? Have these latter been decided on the spot, or have the parties been obliged to repair to the Sudder station?	4th. With the exception of three or four cases, all the parties in the suits decided by punchayet have been residents at a distance from the Sudder station. The greater number of them have been decided in the mehauls, but in the majority of them, one or other of the parties has presented a petition at the Sudder station to obtain a letter to the Mamlutdar directing the matter to be investigated.
5th. How many of these were revenue suits, and in how many were the cultivators of the soil parties?	5th. What is to be considered a revenue suit? If claims on Government for enam lands, enam wurshasuns, &c. are to be considered revenue suits, these claims have not been judicially determined on.
6th. In all cases, insert the date when the suit was filed, and that when it was decided?	6th. No reply required.
7th. What was the expense under all heads to each party in every cause?	7th. No acknowledged or avowed expense in any cause.
8th. What number of suits are in arrear?	8th. No reply required.
9th. How many persons have been apprehended within the same period in each zillah?	9th. No reply required.
10th. Of those, how many have been discharged as innocent?	10th. No reply required.
11th. How many tried capitally, convicted, and executed?	11th. No reply required.
12th. How many of those capital offences were thus committed at the Sudder station?	12th. One only of the capital offences committed at the Sudder station.
13th. Those committed in the pergunnahs, were they tried on the spot or at the Sudder station?	13th. All the capital offences have hitherto been tried at the Sudder station.

14th.

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Question.	*Answer.*
14th. If at the latter, how many persons were summoned as witnesses?	14th. Replied to in conjunction with No. 17.
15th. Of the offences not capital, by whom were they taken cognizance?	15th. By myself and Assistants.
16th. Were they tried on the spot where the offences were committed?	16th. The majority of the cases have been tried at the Sudder station at the period of making the jummabundy, or on any other occasion when I or my Assistants are in the mehauls. If a prisoner is apprehended in those mehauls or in the neighbourhood, he is tried on the spot if it is practicable to do so, and it has been done in several instances.
17th. If not, where were they tried, and how many witnesses were in attendance?	14th and 17th. There is no register of witnesses summoned on criminal trials. The Mamlutdar generally sends with the prisoner such persons as he conceives to be necessary as witnesses; if others are required, they are sent for. On reference to the trials, it appears that 459 persons have given evidence on criminal trials, most of whom have attended for the purpose at Dhoolia.
18th. In all cases state the time that elapsed between the apprehension of the offender and the trial.	18th. No reply required.
19th. How many convicts are there in jail?	19th. No reply required.
20th. And how many debtors, and what may the amount of the debt be?	20th. No reply required.

I have, &c.

(Signed) J. BRIGGS,
Political Agent in Candeish.

ST. J. THACKERAY, Esq. *to* W. CHAPLIN, Esq.

Dated 11th August 1822.

Mr. St. John Thackeray on Civil Justice, 11 Aug. 1822.

Sir:

1. I have the honour to submit a register of the civil suits decided by the Collector, by Aumildars, and by punchayets, during the last three years, from the 1st. of July to the end of June.

2. Of 1,166, the whole number of cases, 281 were settled the first year, 387 the second, and 498 the third.

3. The Collector himself decided only two the first, and nine the second; but in the third year, when he had more assistance, he settled thirty-two cases.

4. The Aumildars were not empowered to try civil cases until the second year, when they decided 131 suits; but as it was found that, from ignorance of their new duties, they had tried some causes for real property which were not within their jurisdiction, they were warned against this error, and in the third year they settled only sixty-three cases.

5. The number of suits decided by punchayets amounted the first year to 279, the second year to 247, and the third to 403.

6. The Aumildars, by exceeding their powers the second year, lessened the number of suits before punchayets. The causes of the great increase of the punchayet suits in the third year I shall endeavour to explain in detail for the principal division.

7. The second column of the register shews that of suits regarding deposits, advances, assignments, interest, and other money transactions, there were ninety-

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ninety-nine the first year, 124 the second, and 125 the third. The increase in the second year chiefly arose from the acquisition of new Hoobly, where there is more litigation than in any other pettah of the Carnatic.

8. The number of cases for bond debts was thirty-two in the first, twenty-three in the second, and sixty-eight in the third year: the discontinuance of the violent kinds of tukkaza has diminished the power of creditors, and recorded many of them suitors; and bonds are becoming more frequent, being generally called for by punchayets.

9. Heads of families and elder brothers have less influence than they had under the late Government, and this may account for the frequency of suits for shares of family property. There were thirteen of these the first, thirty-three the second, and thirty-seven the third year.

10. The scarcity during a part of the first year greatly increased the grain trade, and accounts for the number of causes regarding grain: during the two last years these causes have augmented from eight to twenty-three, and again fallen to twenty-two.

11. Suits for cotton, betel-nut, and spices, have increased from one to four, and from four to eight, chiefly owing to transactions connected with the Company's cotton investment, and to the decline of the coast trade in spices and betel-nut. Whilst trade thrives, the creditors of merchants are safe, and their debtors are spared, but the reverse takes place with an unfavourable change.

12. Disputes regarding wuttuns increase whenever they belong to a number of brothers. In the first year there were forty-one suits for shares of wuttuns, in the second fifty, and in the third year fifty-seven. The younger branches of families assert their rights with more confidence than they used to do, but the increase is not out of proportion to the extended size of the district.

13. Suits for shops, stalls, and houses, decreased from fourteen to eight in the second year, and rose to thirty-three in the third year. The decrease is not satisfactorily accounted for; the increase is probably owing to the unfrequency of ghur sumjhot.

14. There were sixteen causes for jewels and similar ornaments in the first year, and only fifteen in the second, but in the third there were thirty-one. The difference chiefly arose from the number of marriages that took place after the disappearance of the epidemic and scarcity.

15. The same circumstances probably raised the number of suits for clothes from three to seven in the third year.

16. Suits relating to matters of caste are mostly appeals against sentences of expulsion pronounced by heads and meetings of elders of the different castes. Their authority is not, perhaps, respected so much as it was under the late Government. There are, however, only thirty-four cases of this nature, eleven of which occurred the first, nine the second, and fourteen the third.

17. Owing to the high price of grain and the prevalence of the epidemic there were very few marriages, and only three disputes about marriages in the first year. The comparative plenty and healthiness in the second year greatly promoted marriages, and there were consequently fifteen disputes regarding them. In the third year things found their level, and there were only seven suits of this description.

18. Claims of relations for subsistence from elder brothers and heads of families were more frequently adjusted by "ghur sumjhoot," under the late Government. There were only five of them the first year, in the second there were seventeen, and in the third thirteen.

19. There were no causes regarding pledged property (except wuttuns) in the first year; in the second year there were five, and in the third twelve cases. Such suits may be expected gradually to increase as we abolish the practice of violent tukkaza.

20. Most of the claims for mortgaged wuttuns and enams originated under the late Government. There were eight of these the first, only two the second,

second, and five the third year. Such mortgages have become much less frequent, owing to the regularity of our assessment for jostee and quit rent; and the discontinuance of dunds and other exactions, by which Enamdars were so often distressed before our accession.

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21. Suits respecting furniture, utensils, and implements of trade and husbandry, have increased from seventeen or eighteen, to twenty-six. This is chiefly to be ascribed to the diminution of violent tukkaza and domestic arbitration.

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22. Disputes about cattle have become much more frequent during the last two years. There were three in the first, twenty in the second, and eighteen in the third year. The acquisition of new Hoobly, which is the greatest cattle-market in the Dooab, partly accounts for the difference; but it chiefly arises from the murrain which occurred in the first year, and greatly promoted the cattle trade during the two following years.

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23. Cases regarding adoptions have augmented from two to four, to six. They are mostly of three kinds: adoptions disclaimed by fathers, those opposed by the brothers of the person who wishes to adopt; and disputes between relations as to the branch of the family from which the adopted son should be taken. Suits of this description were more frequently adjusted by private arbitration under the late Government.

24. Disputes about the rent of land are almost all between Enamdars and their Ryots, who are becoming more independent. The pottahs they received from Government probably renders them less scrupulous with the Enamdars, who give none. There were seven suits of this description in the first year, thirteen in the second, and fourteen in the third.

25. I have the honour to submit a translation of a general order, which seems calculated to facilitate judicial business in the talooks.

I have, &c.

(Signed) St. JOHN THACKERAY,
Principal Collector.

An ORDER *for the more speedy Settlement of Suits by* PUNCHAYET.

It appears that much delay takes place in the settlement of suits by punchayet, to obviate which the following order is issued:

Order for the more speedy Settlement of Suits by Punchayet.

1. When any one prefers a complaint, and obtains an order for inquiry, he will henceforward be required to present such order to you within a certain period, which shall be specified in the body of the order, also endorsed upon it. If he fail to present the order within the prescribed period, you are not expected to investigate his case unless he can shew good cause for the delay, in which case you will report it to the hoozzoor, and wait for further order.

2. On receiving orders for referring a case to punchayet, you will summon the defendant; and having taken a razeenamah from him, and also from the plaintiff, you will appoint such persons to constitute the punchayet as the parties themselves shall agree to; you will then issue a summons for the attendance of the parties, the members of the punchayet, and the several witnesses, within a certain day, which you will fix with reference to the distance of their places of abode and other circumstances. If it be necessary to depute a Peon, or take other steps to enforce the attendance of the parties, witnesses, or members, within the appointed period, you are authorized to do so. If either the members or witnesses absent themselves, you will report it to the hoozzoor, and obtain authority to fine them. If the plaintiff do not appear you will dismiss the cause; and on the non-attendance of the defendant, you will direct the punchayet to proceed to the decision of the case *ex-parte*, and to give an award upon the documents and witnesses which the plaintiff may produce. In most cases the period fixed by you for the attendance of the several parties should not exceed thirty days, but when they reside at a great distance you may extend it to two months. In all cases where a longer period is necessary, you must make a previous reference to the hoozzoor.

 3. When

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3. When witnesses are summoned from another village, they will receive an allowance for their expenses, not exceeding six pice per day, which will in the first instance be paid by the party in whose behalf they have been summoned; but if he afterwards obtain a judgment of costs in his favour, he shall be remunerated by the opposite party.

4. The members of punchayets, will be enjoined to settle suits with all possible expedition; and if they so do, they will receive a fair remuneration when their attendance may have subjected them to any extraordinary expense or inconvenience, and it will be charged to the account of the party against whom costs may be adjudged in the decree; but if they make any unnecessary delay in the decision of the case, they will forfeit all title to such remuneration. Where suits occur relating to houses, wells, water-courses, and other subjects of local interest, it is advisable that the punchayet should be composed of persons who reside on the spot, and are acquainted with the situation and circumstances. In suits concerning adoptions, succession, partition, &c., when a question of law is involved, and the members of the punchayet delay coming to a decision, on the plea of ignorance of the Shastree, you will cause them to state the question in writing, and will forward it to the hoozzoor, where the opinion of the law officers will be taken upon it, and commmunicated to you.

5. From an inspection of several of the fazilnamahs which have hitherto been sent in, it appears that the signatures of the members appointed to serve in different punchayets are very frequently the same: which would lead to the conclusion that there exists in each talook a set of persons who are uniformly selected for the decision of all suits. If this be the case, it is a system which may be productive of very great abuse; you are therefore to appoint such persons, and such only, to sit in a punchayet as the parties themselves may agree to.

6. If any suit be judged by a punchayet to have been instituted on vexatious and frivolous grounds, you will report the circumstances, and the plaintiff will be severely fined.

7. It appears that the friends of the parties frequently have communication with the members of the punchayet, and endeavour to influence them in their decisions; you will however consider it your duty strictly to prohibit all such interference, and if any person be guilty of such practices, you will report it to the hoozzoor, and he will be severely punished.

8. An order was issued, in June 1819, for your information in conducting all proceedings in cases of mercantile accounts, according to which, when a punchayet did not appear likely to come to an agreement, you were instructed to take the case into your own hands; you are now again desired to direct your attention to the order for its more punctual observance. In the same order it was stated that, in cases of importance, complainants would, in the first instance, prefer their suits to the hoozzoor; but it appears that you have used this order as a pretence for refusing to inquire even into such cases as come properly within your cognizance without any complaint which comes before you, and which you are authorized to inquire into, you will be dismissed. (*Sic orig.*)

9. You will be at all times ready to afford any assistance that may be required by a punchayet; or if it may be necessary to make an application to the hoozzoor, you will do so without delay; and, in short, you will use every means in your power to expedite their decisions.

10. In several cases where suits have been already tried and decided, the party cast returns after a few years and brings forward his complaint anew. To prevent the occurrence of such practices, and to make the nature of each decision more generally known, it is advisable to keep a register of all decisions; and for this purpose a form is now sent you, and you will select a fit person from among the Daispandee's Durruckdars to keep this register, which will be deposited in the kusba, and each case will be inserted when the period allowed for appeals has elapsed, and the signatures of the members of the punchayet must be affixed to each entry. Where any case which has been already decided is again brought forward, you will be prepared to quote this register

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register in proof of the former decision; and when the Collector arrives in the talook he will inspect it, and you will be answerable for the correctness of its contents. You will report as soon as possible the name and qualification of any individual whom you may think fit to be entrusted with the charge of this register.

11. Frequent complaints having been made of the non-payment of sums adjudged by punchayet decrees: to prevent this in future you will in every instance, with the concurrence of the punchayet, fix instalments for the payment of such sums, which will of course be regulated by the circumstances of the individual. If the payment be not made within the appointed period, you will, upon reporting the case, be authorized to sell the property of the defaulter; and if the proceeds be not sufficient to meet the demands of the creditor, you will send the defaulter to the hoozzoor, where he will be committed to jail, provided the creditor be willing to advance two months' batta for his maintenance when in confinement; and at the end of that period he will be dismissed, unless the creditor make a further advance of batta.

12. In all suits relating to mercantile matters, it is to be wished that the parties would endeavour to bring the case to an amicable determination among themselves, or by the arbitration of some of the respectable inhabitants of their village; and the wish of Government to that effect has been intimated in a former proclamation. You are now again called upon to impress upon all concerned the advantage of such a measure.

13. It was formerly declared that Potails and Koolkurnees were authorized to refer to, and decide by punchayet, all suits not exceeding Rupees 150: you are now desired to do all in your power to promote such decision, and to make it generally known that it is very desirable that all such suits should be decided in the villages.

14. For all trifling offences and assaults, you have been authorized to fine offenders to the amount of two rupees, and to confine them for one day in the choultry; you are now desired to send in a statement of fines collected in conformity to this order, and you will continue to act according to it, and in future you will desire the Koolkurnees to enter all such fines in their account.

Village Officers.

The village servants who used to be at the disposal of the Camavisdars are now directly under the Potail, and this change has greatly increased his authority as an officer of police and revenue. As the village judge in civil matters his influence is less efficient, for having been long superseded by the Camavisdars, in many places he is a cypher, and he cannot be at once expected to acquire those habits and that respectability, without which his judicial authority is nugatory. His agency, however, in settling family disputes and petty disputes regarding crops, water, and cultivation, is very useful, and such points will always be most satisfactorily adjusted on the spot. In greater matters, the inhabitants prefer an application to the Collector, to the Aumildar, or to a punchayet, as they can now obtain justice at either of these tribunals free of all costs.

Of Village Punchayet.

But although the judicial authority of Potails is not extensive, it is evident, from the small proportion of causes which find their way to the superior cutcherries, that the Potails and head inhabitants settle all cases of easy adjustment. Indeed I believe that few cases come before the Collector which the village authorities have not in vain attempted to settle. They usually succeed in bringing the parties to a razeenamah, and when they fail, one party comes to the Aumildar or the Collector. The village punchayets observe no forms, and send no returns or proceedings; these would have little effect, except that of rendering such punchayets unpopular; nor are proceedings usually necessary, for the decision is that of the general voice and feeling of the village, and these, as far as mamool is concerned, are very satisfactory.

The decisions of the higher punchayets are certainly more regular than they used to be; their proceedings are more official, and their decrees are more respected as precedents. But as one talook seldom contains a sufficient number of intel-

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intelligent and respected men, for holding more than two or three punchayets at a time, the regularity of our proceedings sometimes occasions delay, when several suitors from the same talook complain together.

Restrictions with respect to Arms.

The present rules with regard to persons travelling with armed followers, might perhaps be rendered more strict with advantage; more than ten armed horsemen, or twenty-five armed Peons, should not pass at once without a rahadaree. Traders, and others who make regular journies on business, do not require so strong a party; and those who want more for purposes of state and ceremony, can apply for rahadarees. Even this number should be watched on coming to a village, but their arms should not be touched.

Stolen Property.

The rules of the ....* are observed with respect to stolen property, but have in few cases been enforced. Most robbers come from a distance, and it does not appear just to hold the village officers resposible, when the escape of an offender cannot be fairly attributed to their connivance or neglect.

Punishment.

The statement marked .... shews the proportion of first to second offences here. Our forms and exceptions as to evidence certainly renders convictions more difficult, and the mildness of our punishment tends to increase the boldness of offenders. Our penalties are felt by the higher classes, but not by the lower orders, amongst whom most thieves are found. Transportation may have some effect, from the mysterious dread that it occasions: but the natives here have no idea of its nature, or even of the sea. I have described it to them as banishment to a remote country beyond the ocean, where they will be separated from their gods, their caste, and their families, and where they will find a new language and new food. This prospect has its terrors, but is, I fear, too distant and indistinct to deter the great offenders, who subject themselves to transportation. The punishment is almost as remote and less terrific than the fear of hell-fire in Europe, which seldom alarms any but dying sinners; immediate torture and mutilation has much more effect than any other penalty.

Appeals.

I have received few well-founded appeals from decisions of Aumildars, and think they usually give satisfaction: but this depends much on their personal qualities, and the character of the natives in these talooks. Where there is a large pettah containing many different castes, the Aumildar can hardly conciliate all parties; and even the best Aumildars are not impartial in matters of caste. Most of them here at present are Brahmin foreigners, who should have few local prejudices: but in deciding between a Brahmin of any persuasion and a Lingaet, the latter would have much interest to contend against in the talook cutcherry.

Suits for houses, simple contracts, debts of long standing, and claims for personal property, are best settled in a summary way by Aumildars, and they very frequently decide such by razeenamahs. Disputes regarding caste, successions, shares of property, intricate accounts of old standing, marriages, and religious ceremonies, are usually referred to punchayet, or to one or more arbitrators, as may be agreed upon by both parties. Aumildars commonly decide when a case can be settled by authority, by compromise, or by a summary order; punchayets in cases involving local mamool, rules of caste, and the examination of intricate and voluminous accounts. The best Aumildars dispose of most cases by razeenamah.

There are more appeals from punchayets than from Aumildars, but this is because most intricate cases are tried by the former.

The only kind of tukkaza allowed at present is that noticed in the thirty-ninth paragraph of the rules of 27th June 1820. No debtors have been yet confined in gaol, but several deserve it, and separate accommodation will soon be ready for them.

Influence

* Blank in original.

Influence of Great Men.

A few men distinguished for superior sense and integrity were much consulted by suitors under the late Government, and their opinions were in some measure received as law. Chitambur Dutchut, a Muha Pooroosh at Goorla hoozzoor, was approached with reverence by suitors from many parts of the country, who regarded him as an oracle, and his judgment seems to have had much weight in the country. The dictum of Ramunna Naick, a great Soucar of Dharwar, was also held in high estimation, and the influence he derived from the huwala and the hoondawanee system, gave him great influence with the officers of Government, as well as with the people at large..

The opinions of such characters were gratuitous, and they kept no records. They did much good, but their influence shews there was no regular means of redress in the country, and is a reflection on the ex-Peishwa's administration.

There is no regularity in the judicial proceedings of Jagheerdars and great chiefs, who seem to think that procrastination is a privilege of birth and independence, and punctuality a condition of service. A dispute in the family of the Daispandee of Bagulcotta was, with the consent of both parties, referred to a punchayet at Jumkhund, about three years ago; for many months the inquiry stood still, and at last, after two years, during which the Jagheerdar had been repeatedly addressed on the subject, the decree of the punchayet was sent to Dharwar. But no response of an oracle could have been more ambiguous; neither the Jagheerdars, Wukeel, nor any other person could say in whose favour it was passed, and I was obliged to send it back to Jumkhund for revision.

Another cause has been under investigation ten months at Nurgoond, and there is still no prospect of a speedy decision.

A case in which the parties were both Mussulmans was referred to Savenoor, and remained there for seven months without being settled.

Some other references have been treated with similar neglect; but these have generally been on inveterate moot points, which would have been difficult to settle in any part of the world, for cases are seldom referred to the jagheers which have not already defied all attempts at adjustment at home. The great Jagheerdars, Zemindars, and Sirdars have become very supine since the change of Government, and it is desirable they should continue so; their influence used only to be exerted for their own interests, and wherever the local authority was most weak or corrupt they were most powerful. A great man was commonly a feudal lord, with a large body of retainers, who were kept up for security as well as state. Although a quiet character, he found it necessary to maintain an establishment equal to that of his neighbours or rivals; and his patronage would have been of little use to his friends without such an establishment. He is no longer obliged to keep it up, and can live much cheaper than he used to do; but much of his consequence is gone, and his present, compared with his former life, is dull and monotonous.

We are less popular with irregular characters and tribes, with ill-disposed Zemindars, Soucars, and all who benefited by the laxity of the late Government; but the body of the people feel that they are the better for the change. Our general rules are more strict than the discretionary authority of benevolent Aumildars under a native Government; but such characters owe much of their fame to tradition, and contrast with their contemporaries.

Judicial Aumeens.

No judicial Aumeens have been yet appointed here; but the Aumildars in the larger talooks have Peshkars to assist them in judicial business. A separate establishment for this department may hereafter be advisable, but at present it would cost much, and supersede the Aumildars' authority without substituting any thing better.

Shastree.

The Shastree at the Collector's cutcherry keeps a register of all decrees, and points out any thing in them which is contrary to law or custom. An

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extract from this register will best explain the nature of his observations: they appear in general to be very just, but are recorded rather with a view to prevent future errors than to interfere with past decisions. With reference to his remarks, punchayets are sometimes directed to revise their proceedings and afford explanations, but it has been necessary only in cases within the (*Sic* last years to set aside their decrees.

Times and Places for filing Suits.

The Register files civil suits three days in the week; the First Assistant keeps a register of all revenue, and the Second Assistant a register of criminal cases. Appeals, and cases in which Jagheerdars are concerned, are heard by me on the days when the Register does not sit.

Mode of enforcing Decrees.

Decisions are usually enforced through the Aumildars by means of Peons and the milder kinds of restraint and tukkaza. Obstinate debtors, who require greater rigour, will be confined so soon as a separate prison can be prepared for them.

Private Arbitration.

Domestic arbitration is probably less frequent than it used to be, owing to the facility of obtaining official redress free of costs; still, however, few cases come to the cutcherry, which the friends and neighbours of the parties have not in vain attempted to adjust amicably at home.

Innovation.

The principal novelties introduced by the Company are checks and forms, by which the discretionary powers of all its officers are much diminished; efficient military control, by which the turbulent and disaffected, both in the jagheers and our own territory, are kept in awe; easy access to the judicial as well as the revenue cutcherry; impartiality in justice and taxation; regularity in kists; liberality in granting advances and remissions; security in trades, and the open enjoyment of property.

On the other hand it may be said, that we have at the same time checked the power to do good and harm; that we are received as transitory foreigners and administrators, as a temporary arrangement; that many of our forms and systems tend to increase litigation and perjury, to enrich the worthless, to level the distinctions of caste and classes without substituting any thing better, to discourage learning, to render the natives unambitious of official eminence, to promote drunkenness and low-caste vices, and to make butlers and cutcherry servants the first characters in the country.

Aumildars.

Aumildars of remote talooks, even during the best times of the Mahratta Government, appear to have had more discretionary authority than European Collectors. This Government treated them with liberality; their hands were less tied, and their time was less occupied by forms, receipts, and documents; their accounts were simple, and easily prepared by a few Gomastahs; and as they lived and died near the scene of their official career, they looked to the cutcherry as the means of providing for their families.

Durruckdars.

The Durruckdars, from the nature of their situations, should also have taken more interest in the prosperity of the country than our cutcherry servants; but being hereditary, they usually employed deputies, most of whom were corrupt. They were chiefly useful as keepers of accounts, but most of them have fabricated more records than they have preserved.

Camavisdars.

Camavisdars, from their intimate knowledge of the country, should have been more useful officers; but by interfering with the internal management of villages, they often did more harm than good, and the old accounts of villages shew that they permitted many unauthorized alienations and embezzled much revenue.

Future Establishment.

The talook establishment lately authorized for this district seems well calculated to render the servants public-spirited; and in order to make them look to future

future promotion and eventual enams as the best rewards for long service, I have circulated an order, of which I submit a copy.

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Treasuries.

The practice of remitting the revenues through Soucars, certainly saved the expense of public treasuries, and promoted the interest of the greatest commercial characters in the country; but the Government and the Ryots lost what the Soucars gained by the practice, for it tended to diminish the revenues, and to exclude the Ryots from all the profits of the grain trade. No members of this community have felt the effects of the change of Government so much as the Shroffs and Soucars, and with their influence some of the pettahs are declining.

(Signed) St. JOHN THACKERAY,
Principal Collector.

ST. JOHN THACKERAY, Esq. to WILLIAM CHAPLIN, Esq.,
Dated the 12th August 1822.

Mr. St. John Thackeray. 12 Aug. 1822.

Sir :

1. I have the honour to submit statements of the prisoners in the jail of Dharwar on the 30th June last, and an account of their crimes, castes, and punishments, shewing the kind and numbers of offences committed by each description of convicts, and the proportion of first to second offences.

2. The classes among which the greatest proportion of offenders are found are those of the Bedur, Mussulman, Mahratta, Jungum, Brahmin, Koonbee, Dhungur, Pindarry, and all the vagrant tribes of Korwan or Korchoor, Wodur, and Sumbady.

3. The number of Bedurs in the district is about 36,000, and there are twenty-three of this class in jail; of these, seventeen were concerned in acts of plunder and robbery, and two in cases of thullee.

4. The Mussulmans are estimated to amount to 46,000, about one-sixteenth of the whole population. There are nineteen convicts of this class, eleven of whom were engaged in different kinds of robbery, and five in other acts of violence: among the robbers, however, two were foreigners.

5. The proportion of Mahrattas is supposed to be 45,500, and fifteen are in jail; nine of these are robbers, and four were concerned in other acts of violence.

6. The number of Dhungurs is about 78,000, and there are thirteen convicts among them, of whom seven were concerned in plunder and robbery; two of these are however foreigners.

7. With respect to these four castes it may be remarked, that the retainers of Sirdars and other great men were chiefly drawn from them under the late Government, and that great numbers were thrown out of employ when the peace establishment was introduced.

8. The Lingaet population is supposed to amount to 218,200, and certainly not more than one-tenth of the whole can be Jungum; still amongst this order we find nine convicts, of whom one was concerned in a murder, and six were engaged in plunder and robbery: a large proportion of this class live on alms.

9. Few of the Brahmin offenders are natives of the Douab. Of fifteen, the whole number, six committed offences in the Sholapore division; three were public peculators who came from the Ceded Districts; and of the remaining six, two were concerned in embezzlement, and four in stealing. The Brahmin population is about 36,800.

10. The number of Koonbees, including Lingaet cultivators, may amount to 90,000; of these there are twenty-three convicts, of whom four committed murder, six thullee, and ten robbery. Three of the murders were instigated by revenge and jealousy, and only one by avarice.

11.

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11. Sixteen Pindarries appear amongst the plunderers: these all came from the Sholapore division; twelve of them are Hindoos of a different caste from the Pindarries of the Douab, who are all Mahomedans.

12. The number of Dhurs and Maungs are supposed to be about 37,000; and of the twenty-three offenders, twenty-one were convicted of different kinds of gang robbery: fourteen of these came from Sholapore, and two were camp-followers.

13. It is difficult to ascertain the proportion of the vagrant tribes, and their numbers are probably underrated.

14. The Sumbadees are the most unsettled of all, and cannot be counted; they are great cattle-stealers, driving away without scruple all stray cattle that mix with their herds as they pass through the country. There are twenty-one convicts of this class, sixteen of whom committed robberies.

15. The Wodurs, another wandering class, live chiefly by bringing timber from the jungle, and by doing mud and stone-work. Only 2,576 of this caste appear on the population returns, and there are eight prisoners amongst this small number.

16. The proportion of Korchoor or Korwan convicts are still greater. Of 655, the whole number, nine are in jail. Like the gipsies in Europe, these vagabonds live ostensibly by catching wild animals, and making baskets, &c., but they do not pretend to conceal their propensity to stealing. The common appellation is Kullur Korevar, or "thieving Korewur."

17. With respect to the general causes of offences here, most of the murders may be traced to the passions of anger, revenge, and jealousy. Robberies have led to few murders, and there are very few cases in which the passions of murderers appear to have been inflamed by intoxication.

18. The mildness of our penalties, compared with those of the Mahrattas, probably gives boldness to offenders, as the impression made by the terror of our arms wears away.

19. After torture, mutilation, and painful death; transportation, imprisonment, and simple hanging, have few terrors. Transportation and wholesome confinement are scarcely felt as inflictions by low-caste culprits, who consider hard labour as the only severe part of the penance.

20. The prospect of death is received with perfect apathy by most convicts, whose last request, on the day before execution, is generally for a good meal at the public expense. This indifference would probably render solitary confinement ineffectual, but I propose to try the experiment when the new jail is finished.

21. Theft and robbery appear from the returns to have greatly increased; but this is probably to be attributed less to the growing frequency of crimes than to the improvement of the police. The appointment of Peons, selected from the local militia of the Shetsundies, for the border police, and the proclamation making village officers responsible for undiscovered stolen property, have greatly tended to facilitate apprehensions.

22. The increasing prevalence of drinking spirits has probably tended, as much as the leniency of our penalties, to encourage stealing. Spirits give boldness to rogues, and thieving supplies the means of indulging in spirits.

23. Experience in England has proved that unreasonable penalties, too severe for practical purposes, rather tend to promote crimes than to check them; but there can be no doubt that a sudden substitution of mild for cruel punishments, in a country where the state of morality remains unaltered, must operate chiefly in giving boldness to those whose fears alone deterred them from offending.

24. The comparative statement No. 2 exhibits the number of each kind of offences committed during the last three fuslies. Of the fifteen murders brought to light during the second year in the principal division, one was accidental, two occurred in Chintamun Row's resumed talooks, one in the Jambooler country, and one was an old case that took place under the late Government,

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Government, and no prosecutor or witnesses have appeared. Of the twelve murders in the accounts of the third year in the Sholapore division one was unintentional, one was committed by a madman, and four occurred in the new talooks lately added to this division.

25. Of the seven highway robberies tried in the Sholapore division during the third year, two occurred in the new talooks, and three in foreign territories.

26. The lenity of our punishments, and our exceptions as to evidence, partly account for the increasing number of detected thieves; but it may fairly be in a great measure ascribed to the improvement of the police. There were in the principal division twenty-five commitments the first year, forty-eight the second, and eighty-nine the third. An alteration in the mode of classing offences has, however, occasioned part of the increase during the last two years; many of the cases of stealing would, according to the classification observed in the first year, have appeared under the head of petty theft, had it not been found necessary to punish them with increasing severity.

27. Cases of great assault have augmented from three to nine, to fifteen, and petty assaults have diminished from twenty-five and twenty-six to four. The former being now treated as criminal matters, are no longer settled by private compromise. With respect to the latter, their number has probably increased, owing to the prevalence of intoxication; but as the Aumildars now try petty affrays, very few of them come before the Collector.

28. Perjury and forgery of documents have increased from one to four to seven cases, in the principal division. This may be attributed to the growing demand for oaths and written evidence.

29. In each of the two last years there appear two more cases of counterfeit coining than there were in the first year; these, however, having been committed by camp followers, prove nothing as to the prevalence of this offence in the district.

30. The statement No. 3 shews the number of great crimes, the perpetrators of which have not been apprehended during the last four fuslies.

31. Of the highway robberies, five; and of this number four were committed in foreign territory, and should not, therefore, enter into the comparison. Still, however, a great increase appears in each year: this is partly owing to the extended size of the district, and partly to the regularity of Aumildars in reporting offences. These officers used sometimes to delay their reports of criminal cases until the apprehension of the offenders, but they are now strictly enjoined to report every case the moment it occurs.

32. I am about to submit a statement of the work performed by the prisoners here, and some suggestions as to the best mode of promoting industry and morality in the gaol.

I have, &c.

(Signed) ST. JOHN THACKERAY.

J. CHERRY, Esq. *to* Wm. CHAPLIN, Esq.,

(*No Date.*)

Mr. J. Cherry, (No date.)

Sir:

1. With respect to villages being obliged to pay for property stolen within their limits, I have in two instances held them responsible, and exacted from them a small proportion of the value of the property lost; in both these cases the cattle stolen were expressly placed under the charge of the village watchmen, who were, of course, therefore accountable. These instances occurred about eight months since, and I have every reason to think the penalty exacted, and which was given to the suffering party, has been effectual in preventing the village people conniving at or being concerned in these thefts, as I have only had one complaint since, and in which no responsibility could be attached to the village, as the property was not placed under its charge.

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2. Potails now possess the power of punishing offenders by levying a fine of two rupees, or confining for twelve hours. Their power did not extend under the late Government beyond confining for a few hours in cases of trifling assault and abusive language: but this was rather with the view of separating the parties quarrelling, than intended to operate as a punishment. In a case of petty theft or any other offence, however slight a punishment it might require, the Potail would report the circumstance to the Shaickdar; and with his knowledge, flog, confine, or fine the party offending as far as five or ten rupees; and where there was no Shaickdar, he would punish the offender, after acquainting the Aumildar of the circumstances of the case, and receiving his instructions as to the nature of the punishment to be inflicted. In no case, in fact, under any thing like a good native Government, had the Potails the power of punishing as an act of their own; their duties were solely those of police officers. It is worthy of observation, that I have not heard of a single instance in the talook of Baursee, where the proclamation granting the power of punishing offenders is more generally understood than in the other talooks of this division, of the Potails having exercised this power; the reasons alleged are, that they never at any time possessed it: that in the case of levying a fine, they exposed themselves to the probability of being charged with taking more than they bring to account; and that as the constitution of the village society will not allow them to fine their own relations, and the more respectable Ryots in the village, they do not like to exercise the power upon the lower classes.

3 Suits referred to Mamlutdars are in but few cases decided by them; they are either settled by razeenamah before the Aumildars, or are again referred by them to punchayets; their several vocations leaving them but little leisure to attend to this branch of their duty: their integrity therefore in judicial matters is seldom put to the test.

4. With respect to punchayets being more or less frequent than under the late Government, it is generally supposed that the excess is on the side of our Government. Under the Peishwa many causes were settled by the village authorities, the Shaikdar or Zilladars, and Zemindars, and the numerous officers of the Government also called Durruckdars, who used to attend at the Aumildar's cutcherry, would settle many disputes while sitting there. Under our Government a complainant comes more frequently than otherwise to the Collector; and as he has but little time to investigate disputes himself, he refers them to a punchayet, the only mode he has of settling them. As there have hitherto been no Aumeens in this division, it is to be feared that the Potails and Koolkurnees rather withhold their assistance in settling disputes, lest they may be summoned to the hoozzoor and be involved in trouble: an opinion originating in our practice of summoning witnesses in criminal cases. Under the Peishwa appeals were seldom allowed, or at all events seldom heard; parties in a dispute therefore would abide by the decision of the village or district officers who were willing to take upon themselves the trouble of adjusting differences, where their acts were free from controul. One ground perhaps, for the opinion that punchayets are more frequent now, is the publicity which is given to the most trifling dispute, by a reference to a punchayet taking place through the Government; formerly the knowledge of a dispute was confined to the village in which it arose, or its immediate neighbourhood, and only in the last resort, or in cases of importance, was the aid of the Aumildar solicited. Shettees of trades employed in judicial matters do not send any return of disputes settled by them, or act under any forms. Appeals from their decisions would be liable to the same rules as are observed with appeals from the decision of punchayets.

5. The only suit that has arisen in this division, in which a Sirdar was a party, was decided by punchayet a few days since in his favour; the Sirdar was Malojee Rao Ghorpada. His Vakeel attended on his behalf on the punchayet, whose proceedings were conducted in the usual manner.

6. Frivolous complaints and litigious defendants have sometimes been fined; and appellants in all cases, before they are allowed to appeal, are obliged to enter into bond for the payment of a penalty, in the event of their complaint proving vexatious. No decree in this division has ever been enforced by the attachment and sale of houses or implements of trade The process observed under

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under the late Government is now in use here, of the party who has won the cause making tukkaza upon the security to enforce the decree; and if this fail, selkowny, in the case of a suit for personal property, according to the spirit of opposition shewn by the losing party, is levied by Government from him, until he satisfies his creditor. Only one or two persons have been confined in this division for debt, and they were released after a confinement of a few days on giving personal security.

(Signed) J. CHERRY.

H. POTTINGER, Esq. *to* Wm. CHAPLIN, Esq.,

Dated the 17th August 1822.

Sir:

1. Thinking it might be satisfactory to you at this moment, when our Judicial system in the Deccan is about to be minutely examined into, to have the ideas of a gentleman who had opportunities of contrasting it with that of our old districts, I requested Mr. Giberne to commit his sentiments to paper, and I have now the honour to forward to you a copy of a despatch, dated the 16th instant, which I have received from him. Mr. H. Pottinger, 17 Aug. 1822.

2 I consider many of the views taken by Mr. Giberne of the defects of the Deccan system to be entitled to great consideration; and his suggestion of having the members of punchayets paid by the parties employing them, and which would render the former amenable to fines, and even punishment, for non-attendance, seem well calculated to invigorate that method of deciding suits; but I am of opinion where the parties each gave a paper expressive of a wish to have a decree of the Adawlut instead of a punchayet, it should never be refused, because it will greatly expedite the despatch of business, as men with these feelings are not likely to give themselves much trouble if their request is negatived: of course I except wuttuns, &c. in this mode of decision.

3. The appointment of Aumeens was recommended by me, in my despatch to your address of the 28th of May 1821, and you will perceive that the same plan has occurred to Mr. Giberne.

4. I am also very much disposed to concur in Mr. Giberne's proposal for an office for the general register of all suits, whence they could be distributed to the Register, the Collector, the Assistants, and the Aumeens: for experience has demonstrated that the suitors will not go to the Camavisdars in the first instance, and no trouble is saved to them by the method now in force.

5 When Assistants or the Collector visited the districts, they might continue, as now, to receive and register suits, sending copies of them to the general register of the Sudder station every month; and as I would, in case this arrangement was adopted, keep a separate register for each pergunnah, the double register of any suit would be speedily detected. To secure this desirable end, a copy of the general register might be sent monthly or quarterly to the Aumeens in the various pergunnahs, who would be constantly in the habit of referring to it, and would consequently be better qualified to discover double entries than the Carcoons at the Sudder station.

6. If the plan is considered worthy of trial, I would make a deduction in the present establishment of the Camavisdars, which would cover (or very nearly so) the expense of the Aumeens; and I would also appoint a Carcoon at the Sudder station, whose only duty should be to keep the general register complete.

I have, &c.

(Signed) H. POTTINGER,
Collector.

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H. POTTINGER, Esq. *to* Wm. CHAPLIN, Esq.,

Dated the 13th January 1822.

Sir:

1. I have the honour to acknowledge the receipt of your despatch of the 23d ultimo, desiring information on certain points connected with the police and judicial department.

2. I now proceed to reply to them, in the relation they are inserted in your letter.

3. I am of opinion the influence of the Potails in matters of police has rather increased than otherwise since we became masters of the country; and they as well as others have, as far as I can judge, the fullest confidence in the protection of Government, which renders them ready at all times to assist in securing delinquents and to give information.

4. Proclamations have been issued, and much pains taken by me to put a stop to the formerly universal custom of receiving and buying stolen articles. These measures, combined with the fines and other punishments awarded to those who have recently been convicted of this practice, have, I am happy to say, had the effect of checking it in a great degree.

5. In one village alone, that of Kuroosse, in the Kurdah pergunnah, I have obliged the inhabitants to pay for property stolen from the plain. It was on the occasion of nine bullocks having been carried of; and before the circumstance was reported to me, the Potail had voluntarily given a written paper, promising to make good the loss or find the cattle.

6. I have endeavoured, both by haranguing the Potails when they are assembled for the jummabundy, and by the constant renewal of instructions to the Camavisdars, to impress on the former the expediency of their seeing that there is rukhwalla or safeguard (wullundar) in their villages. It is surprising to see the apathy with which they receive my advice on this subject, though they must be, and in fact are, quite assured it is for their good. Their usual answer is, there has not been a rukhwalla there since the foundation of the village; and when it is explained to them that there is no reason why one should not now be appointed, they commonly observe: Whatever you order shall be obeyed. I hope, however, they will now universally adopt the plan, as I have this season expressly informed them that I will hold a village in which there is no safeguard, responsible for all thefts committed within, or traced into its bounds.

7. I have not of late issued any fresh orders regarding the number of armed men who are allowed to pass through the country, and the former instructions to the Camavisdars on this subject are still in force; nor would I recommend their being abolished. It is easy for any person who is about to move, accompanied by armed men, to apply for a passport to the nearest civil authority, who will, of course, grant it; and if the system prevents the unemployed common soldiery from going from place to place without the knowledge of our revenue officers, so much the better.

8. I have not discovered that the Potails of the country had, during the Mahratta rule, any tolerably well-defined authority to punish offenders, and consequently it is difficult to say whether their power is greater or less under us. I should, however, be inclined to suppose the latter, because they were often guilty of unauthorized acts of tyranny and oppression, for which the sufferers could get no redress without bribing the officers of Government; and sometimes not even then, when the Potails were rich, or had influence in the durbar; whereas, the knowledge which they have acquired of our strictness in these matters now, deters the Potails from such courses.

9. It is very probable this latter feeling may likewise operate to prevent many Potails from interfering, where they could do so with great propriety, in criminal disputes; but I think this is in some degree an unavoidable consequence of our judicial system, and is hardly to be remedied, though it may be, in solitary instances, regretted. The heads of villages still have, and do exercise the power of confining persons who are guilty of crimes till they can report

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report about them; of chastising petty delinquents, to the extent of a few stripes; and of forcing the Ryots to pay their rents by the usual means of tukkaza, such as setting the defaulter in the sun, putting a stone on his head, &c., &c.; but I seldom hear that these steps are requisite, for as soon as the Ryots found I gave no attention to their complaints on this head, they learned to pay their just dues without trouble.

10. An unquestionable advantage of the imperceptible limitation of the authority of the Potails is, that they have in a great measure lost the means of levying extra puttees and making unjust demands on the villages, unless with the connivance of the Shaikdars or Mamlutdars; and in these latter instances the business is, sooner or later, sure to come to light, from the number of people who must share in the collection, and who are seldom all satisfied with the portion allotted to them.

11. The Potails also retain the authority of fining to the extent of a rupee; but I do not learn they often resort to this mode of punishment, because they know full well it will be instantly appealed against, and they will in consequence be put to the trouble of waiting on the Camavisdar, if not summoned to the Adawlut, to explain the grounds of their decision, which are as frequently wrong as right.

12. I may here repeat the opinions expressed in my despatch of the 28th of May 1822, and to which I respectfully beg reference may be had, that no rules can be laid down for the guidance of the Potails which shall be found applicable to their various situations and circumstances; and therefore it seems to me to be proper they should all know and feel that their acts are open to scrutiny. This is the impression I constantly strive to inculcate; but at the same time I as invariably exhort them to settle, to the utmost of their abilities, the petty broils and contentions that spring up in their villages; and I dare say they do so, by numbers that are neither reported to myself nor the Camavisdars.

13. I have not observed any symptoms of increasing audacity in criminal offenders, nor even, what I fully expected, any attempts to evade making confessions of guilt, though I believe it is a general opinion amongst all classes of the population that our punishments are too lenient; and I am disposed to think so myself, in some instances.

14. I trust, ere long, a scale of punishments for all degrees of crimes will be laid down, and which might be promulgated; for it often strikes me that the criminals brought before the Adawlut hope they will get off with less punishment than they really deserve, and this hope impels others to run the risk of detection.

15. I have consulted many respectable and well-informed natives on this point, and the part of our system which they think defective is, that we do not fine criminals. When I explained to them that such a plan is at variance with our laws, they generally smiled, and observed that if we release a man after a given period of confinement, and allow him to return to the enjoyment of his property, he quickly forgets the privations he suffered in prison; whereas had we confiscated the whole or a portion of it, he would remember through life the loss he had sustained owing to his delinquency. There is considerable truth in these remarks, and it is evident they were well suited to a Government like the Peishwa's, where there were not regular prisons for confining persons, and which often rendered it necessary to release criminals shortly after their apprehension. With us they are by no means so applicable; but I think cases often occur in which they may be advantageously acted on.

16. When complaints are referred to Camavisdars, they are directed to summon the defendant, and to demand his reply. In suits for debt, if the claim be just, the defendant either pays or compromises in the best manner he can, and the Camavisdar receives from each a razeenamah, or sunghoot putten, which is placed in the records of the Adawlut, and the plaint is marked off as settled.

17. Where the subject of complaint is recovery of wuttuns, or other hereditary rights, the defendant is in like manner called on to answer it; and

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should the statements of the plaintiff be found correct (or even nearly so), the orders addressed to the Camavisdar are acted up to by that officer. These orders generally direct a punchayet to be assembled; but of course there are instances of very recent usurpation of, or interference with wuttuns and rights, in which the aggrieved person is put in immediate possession and the defendant desired to bring his pretensions forward in a regular manner.

18. Should the actual circumstances be found by the Camavisdar to vary very much from those set forth in the plaintiff's petition (the words, or exact tenour at least, of which are copied into the order) that officer suspends his proceedings, and reports the matter for further instructions. In these cases the defendant usually of his own accord repairs to the Adawlut, and when the matter has been investigated there, such final measures are taken as seem to be equitable.

19. The Camavisdars are limited to the settlement of suits under one thousand rupees, but their authority to this extent is merely nominal, for no one complains to them who has above a few rupees to recover, and their decisions are with very few exceptions appealed against, unless when the parties give in sunjhoot putturs, which, of course, terminates the cause for ever. The fact is, however, a very small proportion of the complainants, comparatively speaking, go in the first instance to the Camavisdars, because the notorious venality and want of veracity in the Brahmins, who fill those situations, deter the Ryots from trusting to them.

20. It not unfrequently happens that as soon as a man hears of his opponent in any dispute having gone to the Camavisdar to complain, he instantly sets off to the Adawlut and files a suit also, by which means they both become defendants; and if the man who originally complained in the pergunnah wins his cause, the other person is sure to ascribe it to bribery and corruption, and to appeal as long as he can get any one to hear him.

21. The Camavisdars have unquestionably a different task to perform, for our system obliges us to investigate every complaint, however trifling, against them; and when a combination is formed in a village to establish any charge, it seems hardly possible for the Camavisdar to refute it. On the other hand, he has so much in his power, that till he is removed from his situation, he can find plenty of witnesses to answer to any allegation he may choose to bring against a Ryot under him, and these melancholy truths render it hardly practicable, unless the investigation is held by the Collector, or one of his Assistants, on the spot, to get at the truth of mutual accusations. It appears to me the constant visits of the Collector and his Assistants to the districts, is the sole remedy for this state of things, and the beneficial results of that practice are daily becoming, I am glad to say, more visible.

22. The rules laid down in the instructions of the 27th of June 1820 were circulated by me to all the villages in this collectorship, to each of which I sent a copy of the proclamation that accompanied them; and they seem to be perfectly known, not only to the Potails and Koolkurnees, but to the Ryots, who frequently allude to them when making their complaints before me. But the observations contained in the foregoing paragraphs will shew that the practical effect of them is not so general.

23. The fact, however, of their being so universally understood, is of itself the attainment of an object of great importance, and, as I have before stated, they may be often brought into practice, especially in villages, without the circumstances coming to my knowledge; for neither Potails, Shastrees, nor any other subordinate district or village authorities, send in any reports, or ever allude to the suits they settle themselves, or have adjusted by punchayet, unless they should be appealed against, and explanation called for.

24. I should imagine that punchayets are full as common under our rule as that of the Mahrattas, and I think of late they are more just and speedy in their awards. On this subject I again beg leave to call your attention to the second, third, fourth, and fifth paragraphs of my report of the 28th May; last to which I can only add, that where the members agree to assemble, they now, as far as I can judge, do so with a resolution to act impartially: a feeling dictated by a knowledge of the scrutiny their decision is liable to undergo.

25. I

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25. I do not think the Jagheerdars or Enamdars of the country wish to interfere with the administration of civil justice. I sometimes refer petitions and complaints to those of the highest rank; but the lower and middling classes of them are totally unfit for any such trust, and, in fact, no plaintiff would carry a letter of the sort to one of them, well knowing it was only putting it in his power to extort money from both parties. Where the higher Jagheerdars or Enamdars pay any attention to my letters (which they seldom do beyond returning a civil reply, asking me to settle the dispute, and assigning as a reason that the disputants will not attend to their orders), they generally delegate their authority to a common Carcoon, and the loser in the cause of course exclaims against the proceedings after they are finished; but as the disputants are always compelled in the first place to give razeenamahs to abide by the decision, I have in such cases rejected all appeals.

26. The Jagheerdars and Enamdars do not seem to be at all popular, but this perhaps proceeds more from the exactions and misconduct of their agents, than from any personal defect of character in themselves. They are, of course, greatly sunk in the eyes of the people, for they have neither the riches nor the power they enjoyed heretofore; and though they profess attachment and gratitude to the British Government it would not be natural if they did not secretly regret the change. I may however add, that I firmly believe they do feel we have been kinder to them than they had any right to anticipate, and have shown much more generosity to them than they would have experienced from any other conquerors.

27. I cannot say that I have observed the most remote sentiment of disapprobation on the part of our new subjects towards our conduct in the judicial, police, or political management of the country; on the contrary, all classes and persuasions are, I may aver from my own personal observation, as well as from the reports of those natives around me, greatly pleased with the energy and promptitude of our Government, which is so widely different from any thing they have experienced for a great length of time.

28. The protection afforded by us to private property; the conciliation of the Bheels and other wild tribes, from which has resulted the perfect safety of travellers by day and night; the decreased and decreasing number of gang robberies; the pains that have been taken to check private theft, and to punish the receivers of stolen goods; the total abolition of all indefinite claims on the people at large by the police officers of Government; the perseverance with which we follow up our investigations into every case of crime, from which just and impartial decision must flow; and above all, the universality of our system, which renders the escape of a criminal, whilst he remains in our territories, nearly a matter of impossibility, and which is such a contrast to the inert and subdivided authority of the Mahrattas; are all calculated to impress the people of these provinces with surprise, and to excite feelings of strong admiration and thankfulness.

29. There are no Aumeens in the districts subject to my jurisdiction; but I conceive the appointment of a certain number of officers of that appellation, on the principles laid down in my despatch already adverted to, would be very desirable, and I accordingly avail myself of the present opportunity to recommend the subject to your favourable consideration.

30. I have not yet laid down any rule about filing suits or receiving appeals, with the exception that I admit no plaints for debts which have been due above twenty-four years; but I am satisfied this period ought now to be curtailed at least one-half, because all good claims beyond that time have been already settled. With respect to appeals, there does not seem to be any occasion for fixing a time after which they are to be rejected, those who consider themselves aggrieved by a decision being always sure to come forward instantly to declare against it.

31. I have had some difficulty in accommodating matters between the Sirdars of rank and their creditors, who have made frequent complaints against them for the recovery of large sums. This branch of duty I have hitherto retained in my own hands, and the mode I have pursued is to write to the Sirdars, pointing out to them the propriety and respectability of their satisfying their

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their creditors, and thereby preventing their private debts from becoming a subject of discussion. I have reason to believe these letters are considered very polite and friendly, and moreover that they are all attended with the desired effect, of inducing those to whom they are addressed to enter into some compromise with the complainants.

32. The above observations apply to great Sirdars; where inferior ones are sued I write to them in a less studied manner, begging them to arrange with their creditors, and pretty plainly hinting that if they neglect to do so it will oblige Government to interfere. For the general principles which guide my correspondence with the Sirdars, Jagheerdars, and Enamdars, great and small, of the country, I beg leave to refer you to my letter to the late Mr. Wilkins, then Sub-collector of Nassick, a copy of which was transmitted to the Honourable the late Commissioner, on the ...... of April 1819. (*Sic orig.*)

33. I have fined persons who have instituted frivolous suits in very few cases and dependent's suits in very few cases, and dependent's in none; nor have I resorted to the expedient of obliging appellants to enter into bonds for the payment of penalty in the event of their being cast a second time. Where, however, people have made complaints implicating the integrity of the public servants, and which, had they not been clearly refuted, would have led to their instant dismissal and punishment, I have thought it proper to mulct the complainants, and even to confine them for a period proportioned to the seriousness of the accusation.

34. My study has been, as far as was consistent with justice, to avoid the attachment of houses and other property; but cases have of course happened where this was indispensably requisite to enforce the execution of a decree. In general I find the imprisonment of a debtor very shortly leads to his settling, in some way or other, with his creditors; but should it not, the period is left entirely indefinite, else no one would pay a farthing.

35. I must, however, explain that the moment the creditor ceases to come down with the established allowance of forty reas per diem for his debtor's subsistence, the latter is released, and I decline to allow a second plaint to be filed on the same grounds. The number of debtors confined in the jail of Ahmednuggur has at no time exceeded ten, which is a convincing proof that where people can pay, they prefer doing so to remaining in prison; and where they really have not the means of so doing, the creditor, after a short time, omits to furnish the subsistence-money, and the debtor is set at liberty.

36. I look upon it that ghursumghut, or private arbitration, is now much more common than it was under the Mahratta rule, and I also conceive the practice is extending daily; this indeed seems a necessary consequence of our measures. The people have become perfectly convinced that our primary object is to terminate disputes justly; experience has also taught them we will do so the instant the right and wrong of a question are made obvious, and all hopes of procrastinating a decision by intrigue or frivolous excuses are at an end. It thence results, when a plaint is filed, or about to be so, against a man who feels conscious he cannot repel it, that he gladly compromises it; and frequent cases now occur in which the parties appear voluntarily at the Adawlut and file sunghoot putturs, even before an investigation has been commenced into the merits of the business. In the same manner, the Camavisdars often send in sunghoot putturs given to them by parties who have been summoned (under instructions from the Adawlut) to the district cutcherries.

37. It may be safely estimated, that in more than one-half the suits filed in the Adawlut the plaintiffs are nonsuited; and as these men lose nothing by a failure, they take every opportunity of renewing their plaint. To obviate this inconvenience, as far as is possible under present circumstances, I have requested my Assistants (adopting the same plan as myself) to give the defendants, in all instances when the complainant is cast, a decree or paper, briefly reciting the purport of the suit, and the reasons for rejecting it. In a large tract of country like the Ahmednuggur zillah, such a precaution is, however, not always sufficient to prevent litigious persons from abusing the readiness with which we receive complaints, and therefore I am anxious to see stamped paper introduced, which I feel assured would at once quash all the unfounded appeals and applications that burthen the files of our courts.

38. I

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38. I would suggest that stamped paper should alone be required from those who complain to my first Assistant or myself, or whose plaints may be referred to us by the junior Assistants. Appellants might also, I think, with advantage be obliged to enter into bonds to pay a certain per-centage on their claims, if they are thrown out, and the losers of all suits should always be forced to reimburse the gainers for the expenses of stamped paper.

39. I have at this time no other suggestions to offer or observations to make, beyond the general one, that I am satisfied our present mode of civil judicature is better adapted to the habits and ideas of the natives of the Deccan than the formalities of the courts in our old provinces; but the period will of course arrive when they will be fit to receive such regulations as Government, in its wisdom, may be pleased to enact for the guidance of its officers; and in the mean time it is to be borne in mind, that the judicial duties discharged by the Collectors in the Deccan, and which, I will venture to assert, occupy above two-thirds of their time, must operate to afford them too little leisure to unravel the intricacies, and detect the frauds of a system of revenue which would otherwise demand their undivided attention.

I have, &c.

(Signed) HENRY POTTINGER,
Collector.

GEORGE GIBERNE, Esq. *to* CAPTAIN POTTINGER,

Dated the 16*th August* 1822.

Mr. G. Giberne on Civil Justice, 16 Aug. 1822.

SIR:

1. According to your wishes, made known to me the other day, I have endeavoured to express in the following lines those ideas which have occurred to me on the general mode of civil judicature.

2. The subject, I believe, has often been written upon, and it is not improbable but the greater portion of my sentiments may be the same as have already been given; but as I have not had the opportunity of perusing the different reports, such observations that flow from my pen will originate solely from the practical experience which I have obtained in the execution of the duties of the office.

3. The universally admired foundation of the British laws is, that every man shall be considered innocent until he is proved guilty; his cause is to be inquired into and decided upon by twelve persons of his own rank in life, under the denomination of a jury. I may almost say, the same rule guides the decision in this country.

4. In theory, the method of proceeding may be considered far superior to our British courts of justice. No intricate forms, no difficulties of the law, are to deter the parties from appointing their own friends to hear and determine their subject of dispute; from explaining it in a clear and unsophisticated manner, without the aid of hired abilities, which too often perplex, rather than enlighten the minds of the hearers.

5. The chosen of both parties meet at their own houses, the Adawlut, or elsewhere. The plaintiff's statement is first taken down on the left column of the paper; on the right the answer of the defendant is entered; the cross questioning and proof to assertions made by either party are written in detail, according to the same order. This is the only form required throughout the proceedings. What can be more simple, and at the same time more clear? By this means the members of the punchayet have the whole of the proceedings, both the pro's and con's, to bear upon each other, and the decision thereon can be made with the greatest facility.

6. The above appears an expeditious, and I may say a beautiful as well as satisfactory mode of deciding: and may even be considered superior to our far-famed British courts, where the parties can only object to, not choose, their jury; and on account of the variety of forms and intricate law questions, few men are capable of pleading their own causes: counsellors are therefore applied

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applied to and retained, to make the best of a bad cause; scrupulously to hide the truth of it, should it in any way affect their client, and who grasp at every shadow of a mistake, either in word or deed, to bring the guilty off. However, whether the systems are better adapted to the countries in which each exist or not, it is not for me to argue; but that system which soonest brings the truth to light must be preferred to all others, and that is the punchayet system in theory.

7. It is now my intention to shew the difference between that beautiful theory and the present base practice.

8. In the first place, a person makes a complaint, and shews good cause to have an investigation made into his case; the defendant argues the plaintiff's (*Sic*) right, and, in short, a punchayet is ordered; the parties give the necessary security to abide by the decision, and write down the names of the members they select. They commence sitting upon the question—but how? One day half of the members will attend, the next day not so many; the day after, very likely not one; and for several successive days, sometimes indeed weeks, nothing whatever will be accomplished. In this case what is to be done? The custom is, to send a Peon to exhort them to attend, and this must be done four or five times a week, and even then the attendance is precarious; at present there is no other rule to compel the members to attend. For absenting themselves, the plaintiff and defendant may be fined, or the investigation may proceed without them; but it would be hard indeed to fine the members who are supposed to receive no remuneration for their trouble: and if fines were to be levied upon them, which they never were subject to under the former Government, what man of respectability and family would voluntarily consent to sit on a punchayet, subjecting himself to such punishment. The parties therefore would be at a loss in procuring persons to undertake their cause.

9. There is another way of proceeding which is worse than the delay occasioned by non-attendance. In some instances, absent members promise to sign their names and agree to the investigation and award made by the few present; the parties injured forbear to complain at the time, as they imagine that of two evils, to choose the least is the best policy; and that if the investigation is proceeding at all, it is better than that nothing should be done towards concluding it.

10. In some cases persons are obliged to flatter and bribe members, who have consented in the first instance, to make them attend; and the latter continue purposely to absent themselves on account of some frivolous excuses, and delay bringing the dispute to an adjustment until they have drawn from their entertainer all they can get.

11. Thus we find the investigation proceeds as slowly as possible: the length of time that most punchayets take before they are concluded, is incredible.

12. At length it is to be supposed that all the difficulties, delays, &c. are overcome, and the bearings of the case are drawn up. That is the time when the members are supposed to make the most money: the award may now be said to hang by a thread; it is put up as it were to auction, to be knocked down to the highest bidder; they, however, take too much care to criminate themselves, and all but the unfortunate being who is injured have an interest in keeping the truth concealed. Of what avail, then, is the word of one man without the power of bringing a witness to prove his assertions?

13. The above-mentioned abuses of the system may probably originate, in some degree, on account of the description of members chosen by the parties. It is certainly an object in the punchayet system for the parties to choose whomsoever they may think fit; but, on almost every punchayet, the same men are observed sitting as members, and of a description who could not afford to neglect their own affairs, to spend their whole time in investigating the cases of others: it is clear then that they find the trade a profitable one, and do all they can to get as much employment as possible.

14. The parties have been frequently advised to bring their own friends, and not to allow these sharks to have any thing to do in the investigation of their claims, for they are as bad, if not worse, than the self-nominated Vakeels of our

our regular Adawluts. The reasons they give for entertaining them are the same in both instances; that by their constant attendance and practice they understand the business better than strangers would; and, moreover, they find it no easy matter to get uninterested persons to consent to become a member of a punchayet. This assertion may appear overdrawn, for it has often been said that persons esteem it an honour to be called to a punchayet: this they might do, if the present custom of regular traders in punchayets did not exist; but now it cannot be considered in that light.

15. Thus, we find this fine system is in itself lamentably abused, and, instead of the respectable friends of the parties, who might be supposed to be firm in principle and honour, we behold a number of men who make their livelihood by it, and whose first object is gain, not justice. This calls loudly for redress, for so long as the members have no fixed allowance, and are indirectly allowed to take what they can get, the independence of the punchayet system is lost.

16. If it ever happens that a punchayet is carried on throughout, as the intention of it dictates, it would be but a rare exception to the general rule.

17. The above abuses are those which take place at the head station of the district. I shall now touch upon the difficulties of administering justice in the pergunnahs.

18. It is well known that the Camavisdars pay little or no attention to persons who in the first instance complain to them: finding this, the injured persons come direct to the head station, by which they gain no more for their trouble than if the Camavisdar had done his duty at first, and investigated the petitioner's claim, for he gets but an order on the Camavisdar to inquire into the case, and, if a simple one, to settle it himself; if the contrary, to report upon it, or order a punchayet. Most frequently two, three, and four months elapse without receiving a report from the Camavisdar; and after writing on the same subject two or three different times, and in some cases fining for non-attention, an answer at length arrives, enclosing the razeenamah, or sunnijhoot putfur of the parties: but in what manner settled it is in general left to your imagination, which takes a direction unfavourable to the Camavisdar; for, from a few instances which have occurred in which the said papers were extorted by violence, it is natural to suppose that many more are taken in the same manner, though never heard of.

19. Some have actually been sent written in the name of the petitioner, who declares that every syllable of his complaint made at the head station was false, and that he is not in any way injured. A statement so improbable must carry a conviction of the manner in which these papers are obtained, to the mind most favourable to the system.

20. In some instances, having given an order to the plaintiff on the Camavisdar to investigate his case, the defendant will some time after make his appearance, and complain of the Camavisdar using tukkaza to make him pay a debt which he can prove to have paid by receipts or other documents; and this often happens to be the true story, but the Camavisdar had never taken the trouble to ask the defendant for his proof. How then can such men be relied upon?

21. In regard to the punchayet held in the pergunnahs there is one great drawback, and which may be added to the abuses already mentioned. One of the parties, plaintiff or defendant, is generally discontented. There is nothing surprising in that: but the person who fancies himself injured hastens off to the Adawlut, and declares that the Punchayetdars have decided without paying the slightest attention to the merits of his case, either by not receiving such necessary documents as he could produce, or in not calling his witnesses. Whether this happens to be the true state of the case or not, an investigation must be entered into, and the members of the punchayet are under the necessity of being called to the head station, from whatever distance they may happen to be; and after investigating the case, no cause is found to doubt their decision being correct. All that can then be done is to fine the party so calling them, and make him pay the expenses of the members; but if it should so happen, and which is not unlikely, that he is a poor man without the means,

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there is then no way of remunerating the persons called for their expenses on the journey; they return home in disgust, most probably making a determination never to sit on a punchayet again, as it signifies little whether they have been just or unjust in deciding, the trouble and expense of attending is the same.

22. From many circumstances that have occurred under my own observations I am decidedly of opinion that in a greater proportion of suits the plaintiffs and defendants dread the idea of a punchayet, excepting one party wishes to annoy the other, by keeping them wearying or in anxiety and trouble for months and years. I have heard the murmurs of both parties on ordering a punchayet: "Ah!" say they, "now we may expect to have our dispute "settled in a year or two." The fear of this delay in adjusting their differences often compels them to leave their grievances unsettled in any way.

23. I have thus far endeavoured to shew the greater abuses which are practised in the punchayet system, and shall now contrast it with that of the Adawluts in our old territory.

24. In our regular Adawluts, the petitioner either sends by an accredited agent or Vakeel, or brings the petition himself, and having delivered and seen it filed, he returns to his residence. On the first of the following month the defendant is summoned to attend, on a certain day mentioned in the summons, and the Peon who serves the summons gives notice to the plaintiff that his cause is to come on. The defendant appearing, has the complaint put into his hands; and after having read it, he writes his answer: the plaintiff replies, and the defendant may, if he wishes, rejoin or not, as he thinks proper. When the papers are all ready, which they generally are in a day or two, the parties are called up, and the papers are read in open court. In some cases the decision may be given instantly, or witnesses may be necessary to prove the assertions of either party. If they happen to be near, they will be able to attend the next day, when the cause is brought to a conclusion, either in favour of the plaintiff or otherwise, without fail; if they happen to be at a distance, ten days or a fortnight is ample time to bring them from the farthest point of the district to the zillah court. If the parties do not wish to wait the arrival of the witnesses, they can give their cause over to a relation, or to the regular sunnud Vakeel of the court, and by this they run not the slightest risk, as their case is so far advanced that every circumstance relating to it is on record. The instant the witnesses arrive, it is the custom to take their depositions in preference to any other business, in order that they may be as little annoyed with delay as possible. The whole of the expenses of the suit, which consists in the stamp paper required by the petitions, answers, and depositions, together with the expenses incurred by the witnesses on the journey, are in general ordered to be paid by the party who loses his suit.

25. There is no doubt but that the above method is a most expeditious, and at the same time a satisfactory mode of distributing justice. It has, however, been said, that our regular Adawluts are unable to get through the press of business which daily pours into them; that petitioners have such numerous forms to go through, that they fear the very name of an Adawlut; that the court contains so numerous a body of sharks and pilferers, under the name of Vakeels and Peons of all descriptions, that complainants seldom depart without having good cause to remember their losses, in presents, fees, and legal expenses, for the rest of their lives.

26. From the experience of three years and more in one of our largest zilla courts in Guzerat, I beg to state, in answer to the first argument, that there were filed in the Adawlut from four hundred to nine hundred suits monthly, out of which there were about twenty Judge's suits, that is suits of higher sums than allowed to be decided by his Register; about one hundred suits were referred to the Register, about a hundred more to the Assistant Register, about as many more to the Sudder Aumeeen, about fifty to the City Aumeen, and the remainder were sent to the Aumeens of each pergunnah whence the suit came, and at the expiration of the following month those suits alone remained unsettled, and were comparatively very few, which were delayed on account of the illness of some of the parties, or the absconding of the defendant, or some necessary documents being at a distance out of the zillah. The delay caused in

(*Sic orig.*) this manner, could the parties, as they had permission to return to their own affairs,

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affairs, and when the suit was all ready to be continued they had due notice given.

27. In answer to the second argument, the forms necessary to be gone through may appal a new comer, and so far they are not favourable. Some forms are, however, absolutely necessary in a large zillah, and though some few might be dispensed with, yet by far the greatest number are of the first importance, and would occasion more confusion and trouble than at present if they were abolished, for with the existing forms it is scarcely possible for a person to make a complaint which has already been investigated in the same or another court, without detection. For want of some of these forms in the Deccan Adawluts, a petitioner constantly complains two or three times to the Collector, and each of his Assistants, on the very same subject; and though he is sometimes detected, there are many cases regularly decided upon by two or three different gentlemen, and sometimes more than once by the same gentleman: and it is a well-known fact that few men have the same opinion on a subject, particularly if not a very clear one; it may therefore be conceived that such case may have two or three decisions, which is very objectionable.

28. In answer to the third argument, it must be confessed that for some time the Adawlut possessed an incredible number of self-appointed Vakeels. They were men who had no regular means of living, and the great number of suits daily filed gave ample employment and a proportionate emolument to them. There was no way left untried to pilfer their clients, either by the Vakeels of opposite parties combining together, or acting singly in delaying the suit, in withholding evidence, and indeed in a variety of ways too numerous to mention.

29. The untutored clients must have suffered deeply, both in their finances and in their loss of time. But this was not allowed to continue long. The whole of these Vakeels were ordered to finish their suit on hand, and after a certain date no Vakeels were allowed to plead but those regularly appointed by Government sunnuds, and a certain number of men of the best character were appointed to each court: they were allowed to receive a per-centage on the sum for which the suit was instituted, and no more; thus it became their object to have their causes brought to a hearing and a speedy conclusion, in order that they might attend to the most they possibly could; and at the same time they would do their best to gain their cause, by pointing out each particular advantage on their side, so that the people in general, who crowd our courts, might observe their ability or otherwise, by which means they would have the greater practice; and the sum gained in this lawful manner was so considerable, that men of the first families, and the greatest respectability, used their utmost exertions and interest to be thought worthy of being appointed to the duties.

30. Thus the greatest abuse was done away with; and most men finding their causes in such good hands, would scarcely ever think it necessary to attend excepting out of mere curiosity; and defendants, when summoned, would, instead of accompanying, often give a letter to the Peon constituting a Vakeel, and giving him the whole of the circumstances of his case, in order that he might make his defence thereon.

31. It naturally follows that natives themselves greatly approve of this system, for although the parties are often exhorted to settle their differences by punchayet, they invariably object, and there is scarcely an instance on record of a regular punchayet.

32. The foregoing is in reference to the Adawluts at the zillah station; those in the pergunnahs are nearly similar, and are as follows:

33. An Aumeen or Native Commissioner is appointed over one or two pergunnahs, according to their size. Every suit is in the first instance filed in the Judge's Court, and on the first of every month the suits for small sums are sent to their respective pergunnahs, where the Aumeens have the power of deciding without reference, and granting decrees, subject, however, to an appeal within a certain time: the Aumeens, aware of this, seldom, if ever, decide without having sufficient grounds, for fear of the consequences.

34. Thus far I have endeavoured to describe the present manner of distributing justice, both in the Deccan and in our Adawluts. In comparing them

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them together, the first thing to be considered is the bringing forward the complaint; and as there exists but little difference in the form of filing suits at the head station of each, the system in the pergunnahs will now be taken into consideration.

35. In our old Adawluts every suit must first be received and filed in the head court; they are then despatched to the district Aumeens, who are never able to put off hearing a petition. He has a certain number of suits given him to decide upon; he must use his utmost exertions to learn the true state of the case, and he can never pass a decision without recording his reasons for so doing: if he act contrary to this, the parties are always ready, and indeed too ready in general, to appeal to the Judge, who will return the suit if decided without sufficient grounds, and direct him to investigate the whole of the case again; after which, the Judge will reserve to himself the power of altering, or not, the decree.

36. The Aumeens are allowed a fee upon every suit they decide; but if the suit is returned, they are obliged to go through the whole without any additional remuneration, for fear of the consequences: therefore it is rarely found necessary to alter a decree.

37. In the Deccan, the Camavisdars are allowed to receive suits to a certain amount, and to decide upon them without reference. Whether they ever do it or not it is rather doubtful, for no registers of such have been sent in, although they have been continually ordered to do so.

38. It is however certain, that all petitioners from the districts declare that they have been to the Camavisdar, who refused to hear their complaint.

39. If all petitions were, in the first instance, to be entered at the head station, and from thence to be referred monthly to the Camavisdars of the district from which they come, no doubt would exist of the manner of proceeding; the Camavisdar should be obliged to send in a monthly return, shewing in what manner his suits were disposed of. He would never have the power of rejecting petitions, or of preventing their cases from being heard; nor would this method occasion more trouble to complainants, as they are in general forced to repair to the head station for an order on the Camavisdar.

40. The Camavisdar, however, having many other duties to attend to with revenue and police, the appointment of an Aumeen over one or two pergunnahs, according to their size, would render the system much more efficient.

41. The next subject to be considered is, the delay in bringing suits to a conclusion. It has been shewn that the punchayet seldom gives an award until several months, and, in some cases, years have elapsed; whereas, a decision in our old courts is seldom deferred longer than a few weeks, excepting circumstances should arise over which there is no control.

42. There is no doubt but that the former system might be much improved if the members of punchayets were allowed a certain sum for each suit when brought to a conclusion, either to be paid by their own party individually, or the whole to be paid by the person who loses his cause. They could not, in that case, consider it unreasonable to be fined for absenting themselves; and if a regular attendance can be once enforced, the greatest abuse will be put a stop to, and at the same time the means adopted to levy exactions will be lessened.

43. In order to prevent the same Punchayetdars from sitting in every suit referred to punchayet, it appears natural and easy to order them at once to forbear; but this would be tantamount to putting a stop to punchayets, for parties are even now daily complaining of not being able to get members to sit for them. To check them as much as possible by punishments, therefore, appears the only method to be adopted.

44. To prevent the delay occasioned by the Camavisdars in not answering references, or sending in persons who are summoned through them, fining them appears to have not the slightest effect; and changing them might tend materially to injure the revenue duties, when perhaps but little improvement might be gained in his successor; and it is not unlikely but that a Camavisdar may be a valuable revenue servant, although he neglected the judicial duties.

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The appointment of Aumeens, therefore, is the only remedy likely to be effective.

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45. To conclude, by the comparison drawn between the punchayet and the Adawlut systems, there can hardly be a doubt but that the scale greatly preponderates in favour of the latter; and in practice, it must be considered as superior to the former, as in theory the former is to the latter.

I have, &c.

(Signed) GEO. GIBERNE,
Register of Ahmednuggur.

General Abstracts of all the Complaints made within the Districts of Kareygoam, Waee, Kattoo, Pundupore, and Beejapore, in the Year 1821.

GENERAL ABSTRACTS *of all the Complaints made within the Districts of Kareygoam, Waee, Kattoo, Pundupore, and Beejapore, in the Year* 1821.

	Numbers.	Settled by a Punchayet.	Settled by a Punchayet.	Settled by an order from the Mamlutdar.	Amicably adjusted.	Have not returned.	Remaining to be investigated.
Debt	416	2	17	323	37	17	20
Share of family property	85	1	4	52	13	5	10
Meeras	72	..	11	29	9	11	12
Wuttun	194	4	14	90	18	24	44
Enam	61	1	2	34	5	9	10
Assault, trespass, &c.	237	..	..	162	42	22	11
Land (koombaira)	183	1	..	150	9	1	14
Furnishing maintenance	11	2	..	4	1	..	3
Site of a house	10	..	..	9	..	..	1
Mangoe trees	5	..	..	5	..	.	..
Adoption	5	..	..	1	..	1	3
Marriage, &c.	31	..	..	18	7	6	..
Disputes, jungle	1	..	1	..	..	..	..
Preceeden maun paun, &c.	3	..	1	1	1	.	..
Mortgage of a field	1	1	..	..	..	..	..
Contract	1	1	..	..	..	..	..
Cattle	15	..	1	7	4	2	1
Security	3	..	..	1	.	1	1
Agency	1	..	..	..	1	..	..
Caste	3	..	..	1	..	..	2
Articles pawned, deposits, &c.	3	1	..	2	..	..	..
Boundary disputes	4	..	..	1	..	..	3
Wages	5	..	..	5	..		..
Pressing begaries	7	..	..	7	..	..	..
Paper respecting property	1	..	..	..	1	..	..
Hucks upon customs	4	..	..	2	..	..	2
	1,362	14	51	904	148	108	137

(Signed) W. R. MORRIS,
Acting First A. P. A.

Judicial Enclosures in Mr. Chaplin's Report, 20 Aug. 1822.

Statement of Capital Trials, Convictions, and Executions for three Years; from 1st July 1819 to 1st July 1822.

Deccan.

STATEMENT *of Capital Trials, Convictions, and Executions for three Years, from 1st July 1819 to 1st July 1822.*

	1819-20.			1820-21.			1821-22.			TOTAL.		
	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.	Tried.	Convicted.	Executed.
Poona	6	5	3	20	20	2	14	10	2	40	35	7
Ahmednuggur................	37	29	15	24	13	8	37	34	4	98	76	27
Dharwar	19	16	6	4	4	2	38	36	16	61	56	24
Candeish	21	18	6	14	14	6	15	12	6	50	44	18
Total......	83	68	30	62	51	18	104	92	28	249	211	76

N. B. In the column "Tried" are included not only the principals in capital crimes, but also all persons tried as accessories, or otherwise, in such crimes.

The column of convictions also contains all prisoners found guilty of aiding and abetting in capital crimes, and sentenced to any inferior punishment, as well as the principals themselves, and also persons arraigned for capital crimes, but convicted only of less heinous offences, and therefore not capitally sentenced.

Women are also excluded.

(Signed J. MACLEOD,
First Assistant.

RULES *respecting* PUNCHAYETS.

Rules respecting Punchayets.

1. CAUSES relating to the internal regulations of particular castes shall be exclusively settled by punchayets composed of members of the caste concerned.

2. All causes relating to the following subjects shall be referred to punchayets for adjustment, unless the parties shall agree to bring their suit before a Moonsiff, and shall state their wish in writing before witnesses.

1. Religion.
2. Marriage
3. Peculiar customs of places.
4. Wuttuns, or hucks.
5. Division of property.
6. Maintenance.
7. Old and intricate accounts.
8. Disputes between two inhabitants of the same village within the sum of fifty rupees personal property or value.
9. Suits for damages for alleged personal injuries, and for personal damages of whatever nature.
10. Boundary disputes.

Mamlutdars are empowered in all the above cases to assemble punchayets for their decision. In cases of complaints for debt or personal property not exceeding two hundred rupees value, they are also empowered either amicably to settle the disputes, or to order a punchayet, if the parties express a wish in writing, attested by witnesses, for that mode of adjustment. In cases settled amicably by the persuasion of the Mamlutdar the parties are to sign a razeenamah, to be attested by two persons, who shall write along with their names that they have been present during the whole discussion which led to the razeenamah, and that it was given voluntarily.

On receiving a complaint from the districts of the classes referable to punchayets, under clauses first and second, the Collector will order the Mamlutdar or

Rules respecting Punchayets.

Deccan.

or Moonsiff to settle it amicably, if possible; if not, to record the complaint and the defendant's answer in writing, and then direct a punchayet to be assembled, at such place in the district as the parties may agree upon, or if they cannot agree, at such place as the Mamlutdar or Moonsiff may judge most expedient. The punchayet shall consist of as few members as the parties can be brought to agree to, and shall on no occasion exceed five members; each party may choose his own members, together with the Surpunj, if they can concur in their choice, and shall bring them within a limited period; should they fail to do so, or should they object to any of the members or the Surpunj, or be unable to come to an agreement, the Mamlutdar or the Moonsiff shall inquire whether they are desirous to refer their suits to the decision of a Moonsiff, and should either party refuse, the Mamlutdar or Moonsiff shall nominate the members or Surpunj as the case may be, leaving the parties the option of challenging on reasonable grounds any whom they consider objectionable. The Mamlutdar or Moonsiff is to report to the Collector, in the event of his over-ruling the objections, on the score of their being frivolous or groundless.

The members being appointed, both parties are to sign a razeenamah, or arbitration deed, and a penalty bond, binding themselves to pay such fine as the Collector may direct, not exceeding ten per cent. of the amount of the suit, in case of their failing to substantiate their allegations. This fine, however, shall not be levied without the Collector's sanction.

The Mamlutdar or Moonsiff shall then announce to the punchayet, that if they do not come to a decision within three months, the punchayet will be dissolved; if not given within that period, and the parties themselves do not consent, in writing, to an extension of it, the punchayet shall be dissolved, and the case, together with the proceedings that may have been recorded, shall be reported to the Collector, who will try it himself, or refer it to the Moonsiff, as he thinks best; in either case, the proceedings already recorded by the punchayet shall be allowed such consideration as they appear to merit.

The Collector will be careful to observe that the sittings of punchayets are not continued beyond the fixed period; but as litigious persons may endeavour to prolong the suits in order to have them referred to a new tribunal, the Collectors will use their authority, as far as may be practicable, to prevent groundless and unreasonable delays that may wilfully be opposed to the determination of causes.

When members are appointed by the Government officer, he is to make his selection from respectable people, of the class or degree of the parties that may be willing to serve; but if none are procurable, he will choose from a rotation list, to be established for each pergunnah, the persons qualified for the duty.

The rotation list shall consist of the following persons: Daismooks, Daispandees, Potails, and Koolkurnees (not actually in office), petty Jagheerdars, Enamdars, holders of mokassa, or other umuls of villages, and pensioners of the Government.

No person, however, shall serve on more than two punchayets at one time.

Punchayets for the settlement of small disputes between persons of the same village, under clause 2, shall be formed from inhabitants of that village, and shall be held on the spot.

The whole of the proceedings of the Mamlutdar in judicial business must be held in open cutcherry.

The parties and witnesses shall be compelled to appear, according to the ordinary rules of courts of justice (what may be inserted from the printed regulation).*

No Mamlutdar shall summon or apply to any of the principal Sirdars or Jagheerdars, all application to whom must be made through the Collector.

No Mamlutdar shall require the personal attendance of any man of rank, either as a party or witness. In the event of his requiring the evidence of such persons (not being principalSirdars or Chiefs), the Mamlutdar is to depute a Carcoon to solicit their presence, if convenient, or to take down their evidence

* Judicial Regulation II of 1800, section 6.

Rules respecting Punchayets.

Deccan.

evidence at their own houses. In the event of such persons declining to attend or give their evidence, the Mamlutdar must report the case to the Collector, and procure his orders. [A list of principal Sirdars should be annexed.]

A plaintiff absenting himself wilfully shall, after the expiration of a certain period, and proclamation has been issued, be nonsuited, with costs.

A defendant in similar manner absenting himself, the investigation of his suit shall proceed *ex-parte*.

In either case, the punchayet will exercise its discretion in staying their proceedings, should it see sufficient cause for the delay.

Members of punchayets refusing or neglecting to attend, shall pay such fine, not exceeding ....,* as may be directed by the Mamlutdar or the Moonsiff under whose orders the punchayet may have been assembled.

In cases reserved exclusively for punchayets, whenever the punchayet prolongs its proceedings beyond two months, without coming to a decision, a Surpunj, on the part of Government, shall be appointed by the Collector, from a list of six persons forwarded to him by the Mamlutdar. These persons must be disinterested, and entirely unconnected with the parties.

The proceedings of punchayets, when prolonged beyond two months, may be expedited by summoning the members to sit in the cutcherry of the Moonsiff, or the district Mamlutdar.

Whenever there is a faction or division in caste at particular places, people of the caste from other parts of the country shall be called in as members of punchayets or as witnesses.

Persons receiving an order from the Collector upon their complaints, shall present it to the Mamlutdar or Moonsiff, within the period limited in the order; unless it be presented within this time, or good cause for the delay be shewn, the order is not to be acted upon until the circumstance shall have been reported to the Collector and fresh orders obtained.

The Collector shall have a native Register, whose sole duty it shall be to keep a general register of suits filed, which register shall contain all suits filed in the districts, whether by the Mamlutdar for trial before punchayets, or by Moonsiffs for trial before those tribunals, or before themselves, as well as all suits filed for hearing by the Collector or his judicial Assistants.

The general register, however, shall not contain complaints referred to the district Authorities until they shall have been acknowledged, and the manner in which they have been disposed of shewn in the monthly reports, which it shall be the duty of the Mamlutdars and Moonsiffs to furnish.

In punchayet trials held either in towns or districts, the Collector is authorized to allow the usual batta to witnesses brought from a greater distance than one coss. This batta is to be in the first instance charged to the party summoning the witnesses, but eventually to the party cast in the suit; or if there shall appear good reasons, it shall be divided between the parties.

A register of all awards of punchayet (except those of village punchayets) shall be kept and deposited in the kusba town of the district. This register shall contain the names of the members of the punchayet, and the substance of the decree, and shall be open to public inspection.

Awards of town or district punchayets, held under the authority of the Mamlutdar or of the Moonsiff, shall not be executed until they shall have received the seal and signature of the Collector in confirmation of them.

Awards shall have the signatures of the majority of the members.

Awards of punchayets held under the immediate orders of the Collectors, shall also receive his seal and signature before they are executed. Copies of all awards shall be kept by the Collector.

Appeals against the awards of punchayets, or complaints against the members, shall be admissible by the Collector only, if presented within two months from the date of the signing of the award, but not otherwise.

It shall be the duty of every Mamlutdar or Moonsiff to forward to the Collector all appeals presented to him, whether against his own decisions or those of

* The amount to be fixed by the Commissioner.

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of others; but it shall not be incumbent on every appellant to present his appeal to a Mamlutdar or Moonsiff, if he prefer delivering it directly to the Collector.

Before the appeal is received, the appellant shall give security for the payment of a certain fine, and of the costs of the appeal, in the event of his being nonsuited.

The award of the punchayet may in the mean time be executed at the discretion of the Collector, who will in that case take security for the fulfilment of the eventual decree from the person in whose favour the award was passed, or he will stay proceedings, taking security from the appellant to fulfil the award.

Persons convicted of bribing members of punchayets shall lose their causes, or be otherwise punished at the discretion of the Collector.

Awards of punchayets are not to be set aside for want of form, or inconsiderable errors of judgment.

Awards, decrees, or decisions of the former Government having been passed on suits by competent authorities, such suits on no account are to be entertained.

No fines shall be levied where the people themselves shall assemble and settle their disputes by punchayets: villages are, however, empowered (if all parties agree) to grant allowances, at their own private cost, for expenses to members of punchayets in boundary disputes.

In cases of suits for debts of Sirdars contracted during the former Government, the Collector is empowered to dispense with the security for the payment of the fine and cost of suit.

Punchayets in Villages.

In all disputes between inhabitants of his village, the Potail is to settle them amicably if he can, if not, he is empowered to get them adjusted through the medium of a village punchayet: those of taking the razeenamahs of the parties, and the sarouch of the members.

Should either party object to this mode of settlement under the Potail, he is to complain to the Mamlutdar, who will order a punchayet in the village where the complaint arose, or in an adjacent village; or should any difficulty occur, will refer to the Collector for his orders.

The Mamlutdar shall immediately refer the complaint thus made to the Collector; should he delay doing so, the complainant is at liberty to go to the Moonsiff, who will forward his complaint to the Collector.

Punchayets in Cities and Towns.

The general rules applicable to district punchayets will, with the following modifications, apply to punchayets in cities and towns (of which a list must be inserted).

An Aumeen or Moonsiff shall assist in shaping the proceedings, in expediting the decision of the punchayet by preventing the introduction of irrelevant matter into the proceedings.

Carcoons shall be appointed to summon the members of punchayets, who shall be punished by fine, not exceeding .... on their neglecting to attend.

In cases of great delay the punchayet shall be called up to sit in the Collector's cutcherry, or in any case when he may deem it expedient.

Punchayets in towns shall have the power of fining witnesses or parties for refusal or delay to attend or answer, to the extent of ...., to be increased on representation to the Collector.

The amount levied in the shape of fines, whether in towns or the districts, shall form a fund for remunerating the members of punchayets in cases where the duty may be onerous, and they may appear to the Collector to require compensation for their time and trouble.

Remuneration to Punchayetdars shall not, however, be made general and indiscriminate.

No person shall be a member of more than two punchayets at one time.

Rules

Rules respecting Punchayets.

Deccan.

Rules respecting Moonsiffs.

Moonsiffs shall be appointed for the purpose of deciding causes, under the following rules, in every mamlutdarry in the districts of Poona and Ahmednuggur, and in such divisions in Candeish as the Collector may think necessary.

The Collector shall have the nomination of the Moonsiff, and shall, whenever it may be practicable, select him from amongst the most respectable of the resident inhabitants of the district.

The salary of the Moonsiff shall not be less than 100 rupees per mensem; he shall besides receive an institution-fee of half an anna in the rupee, calculated on the sum of money or value of the property in dispute, whether the cause be tried by himself or referred by him to a punchayet.

The Moonsiff shall be furnished with a sunnud of appointment, in a form to be prescribed by the Commissioner. His sunnud shall specify the limits of his jurisdiction, and the extent to which he is authorized to receive in the first instance, and to try and decide suits for personal property, the amount of which shall be fixed by the Collector with the sanction of the Commissioner, but shall in no case exceed the amount or value of 250 rupees, in his capacity of Moonsiff. In the capacity of referee, his jurisdiction shall not extend to suits where the sum, or value sued for, exceeds 1,000 rupees.

The Moonsiff shall act in three distinct capacities. First, as Moonsiff, to receive, try, and decide, whatever is referred to him to the amount or value specified in his commission, and in this capacity to receive and file plaints for claims for money or personal property to any amount for transmission to the Collector. Secondly, as referree, to try and decide such suits as the Collector may refer to him to the amount or value of the claim not exceeding 1,000 rupees. Thirdly, as arbitrator, to try and decide, without any previous application to the Collector, such disputes in civil matters as the parties may voluntarily submit to him; or at their request, or under the Collector's orders, to assemble a punchayet for the settlement of any suits in which the parties may prefer this mode of adjudication.

The Moonsiff shall in no case issue any order for enforcing his decree, that authority being reserved to the Collector.

The Moonsiff shall not take cognizance of suits respecting the internal regulations of castes which are exclusively reserved for trial by punchayet.

Nor shall the Moonsiff try and decide the subjects of dispute noted in the margin,* which are held to be cognizable by punchayets, unless both parties shall voluntarily agree in writing to submit them to the decision of the Moonsiff, or unless they shall be specially referred to him by the Collector.

An appeal shall lie from the decision of the Moonsiff to the Collector, in all cases whatever, provided the appeal be presented within three months from the date and tender of the decree to the parties. A discretionary power is, however, allowed to the Collector to extend the period if he sees cause.

The Moonsiff shall keep a register according to prescribed forms, in which shall be entered all suits received by him, whether they are to be heard and decided by himself, or forwarded to the Collector.

He shall forward to the Collector, on Monday in each week, an extract from the register, containing the entries of suits filed in his court, whether as Moonsiff or arbitrator, during the preceding week, together with all plaints that may have been addressed to the Collector.

The Moonsiff shall forward to the Collector, on the first Monday in each month, a report of suits decided by him in the preceding month, in a form prescribed in appendix, together with the whole papers in such suits, and a report of awards made during the same period, in the form prescribed in appendix.

But

* 1. Religion.
2. Marriage.
3. Peculiar customs of places.
4. Wuttuns or hucks.
5. Division of property.
6. Maintenance.
7. Old and intricate accounts.
8. Disputes between two inhabitants of the same village within the sum of fifty rupees personal property in value.
9. Suits for damages for alleged personal injuries, or for personal damages of whatever nature.
10. Boundary disputes.

Rules respecting Punchayets.

Deccan.

But he shall not forward the papers in a suit that has been struck off the file until it has been dismissed, or a decree has been passed.

The Moonsiff shall further forward, on the 31st May and on the 30th November in each year, an extract from the register of suits containing the entries of all suits filed at any time exceeding three months prior to these periods, and which have not been decided up to the date fixed for forwarding such extracts, with an additional column containing the reasons which delay the decision.

A list of suits similarly situated that were referred to him by the Collector shall be forwarded in like manner, as well as a list of suits submitted to him as arbitrator, containing the same information.

Whenever a Moonsiff shall be convicted of corruption, extortion, or other gross misconduct, the Collector is empowered to suspend him from his situation; but shall report the circumstances of the case for the information and instruction of the Commissioner.

The Moonsiff shall likewise be liable to damages, fine, and imprisonment, if a suit be instituted against him and the charge proved.

The Collector's orders shall be final respecting any fine for impropriety or irregularity which he may impose upon the Moonsiff, not exceeding one month's pay. He shall report to the Commissioner if he considers any Moonsiff incapable, or otherwise disqualified.

Moonsiffs are prohibited from receiving any suits in which they or their relations, dependents, or vakeels, or other persons employed under them, are parties.

Moonsiffs are to try causes cognizable by them in open cutcherry. Any person duly empowered by hukeelut-nameh may act and plead in behalf of parties in suits before the Moonsiff.

The rules prescribed regarding the process of the Moonsiffs' courts in our old provinces, in summoning parties and witnesses, shall be generally followed by the Moonsiffs.

No Moonsiff shall summon or apply to any of the principal Sirdars or Jagheerdars, all applications to whom must be made through the Collector.

No Moonsiff shall request the personal attendance of any man of rank, either as a party or witness. In the event of his requiring the evidence of such persons (not being principal Sirdars or chiefs), the Moonsiff is to depute a Carcoon to solicit their presence, if convenient, or to take down their evidence at their own houses. In the event of such persons declining to attend, or give their evidence, the Moonsiff must report the case to the Collector and procure his orders. [A list of principal Sirdars should be annexed.]

On a suit being filed before the Moonsiff, he shall, in the first instance, send for the parties (unless their rank prevents it), and examine them in each other's presence regarding the dispute, allowing them also to cross-examine each other. Should the parties come to an amicable adjustment in this stage, their razeenamahs must be signed and witnessed, as prescribed for razeenamahs, before Mamlutdars. Should the Moonsiff think himself qualified to decide in this stage, he may do so without calling any witnesses.

The substance of all examinations, either of parties or witnesses, is to be committed to writing, signed by the person examined, and attested by witnesses. The Moonsiff's decree is to contain a brief statement of the reasons of his decision, and a copy is to be given to each party.

The Moonsiff is to be entitled to his fee in every suit preferred before him, whether afterwards settled by razeenamahs or otherwise.

The Collector is authorized to employ the Moonsiff or the Mamlutdar in the execution of decrees, and to require the plaintiff or defendant, as the circumstances of the case may be, to pay such a sum as may be adequate remuneration to the Moonsiff or the Mamlutdar for this trouble.

The Moonsiffs may be employed at discretion in any judicial business of a local nature which the Collector may assign to them. But they shall not take cognizance of any causes that in any way relate to the public revenue, unless specially referred to them by the Collector.

 From

From the COMMITTEE *for the* REVISION *of the* REGULATIONS *to the* SECRETARY *to* GOVERNMENT,

Dated the 2d August 1822.

Queries of the Regulation Committee, dated 2d August 1822, relating to Trial by Native Juries in Criminal Cases.

Deccan.

SIR:

1. We have the honour to forward a series of questions, which we request may be submitted to the Honourable Board, with a view to their being sent to the several Judicial Authorities, who should be desired to furnish as soon as possible their answers thereto.

2. We believe that the subject of the questions is one in which the Honourable the Governor in Council takes considerable interest; and as the introduction of the trial by jury among the natives appears to us to be calculated, at all events, in the course of time, to confer essential benefits upon the community, we are anxious to make provision for its adoption, provided the local officers should not apprehend that it would be absolutely repugnant to the habits and feelings of the people.

We have, &c.

(Signed) CHAS. NORRIS,
A. ROBERTSON,
W. ERSKINE,
President and Members of the Committee for the Revision of the Regulations.

Bombay, Office of Committee,
2d August 1822.

QUESTIONS.

1st. What would in your opinion be the general effects of appointing judicial assessors or jurymen from among the natives, for the purpose of assisting in the trial of criminal cases?

2d. Would the evil effects, if any, which you apprehend might result from them, be likely in the course of time to diminish, or the reverse?

3d. Would the measure be agreeable to the natives?

4th. Would it not have the effect of increasing the confidence of the natives in our administration of criminal justice, by gradually rendering them better acquainted with the principles on which it is conducted?

5th. Would it not tend gradually to interest them more in the police administration of the country, and the punishment of offenders?

6th. The sentences of our criminal courts are understood in too many instances to be regarded with great indifference by the community, and considered to affect but little the character of the offender: would not the verdicts of juries have a tendency to remove this evil, and to make the natives view the convicted criminal as a person most seriously and justly degraded?

7th. What would be the best mode, in your opinion, of constituting a native jury, with the view particularly of guarding against prejudices arising from caste, either against the prisoner or in his favour?

8th. What degree of power would you recommend to be entrusted to juries on the commencement of the plan, if it should be adopted?

9th. Would it be possible, and if so would it be desirable, in your opinion, that jurymen should be appointed from all castes of Hindoos, and sit indiscriminately?

10th. If not, what castes would, in your opinion, be eligible for this service?

11th. Would it in any case be practicable to place Mahomedans and Hindoos on the same jury, and would it be desirable to do so?

12th. If, upon the whole, the appointment of jurymen should appear to you to be likely to be attended with advantage, would the following mode of employing them accord with your sentiments, or would you recommend any material alteration? The Judge, after the evidence on both sides had been heard, to sum up the case and remark upon the evidence adduced; the jury to deliver their verdict with an explanation of the grounds of it, stating particularly their

reasons

reasons for believing or disbelieving evidence, where that belief or disbelief has occasioned their verdict. The Judge, on receiving the verdict, if his own sentiments coincided with it, to pronounce sentence accordingly; if they differed from it, to refer the case, with his opinion, to the Sudder Adawlut.

Queries of the Regulation Committee, dated 2d August 1822, relating to Trial by Native Juries in Criminal Cases.

Deccan.

13th. Does any thing occur to you relative to the mode of constituting juries, the powers which should be entrusted to them, the tendency of the measure, and generally its practicability and advisability, or the reverse, which is not particularly borne or comprehended in the foregoing questions? If so, state your sentiments at large.

Bombay, Office of Committee,
1st August 1822.

REMARK *by the* PRESIDENT.

The Board are already aware, that the proposal was suggested to me by the case of punchayets in criminal cases in Candeish and Sattara, under the Mahratta Government. The powers assigned by the committee appear to me the most that can be given, and even they could not be conceded in all cases.

Minute, 13th August.

Ordered,—The queries be sent to all the Judges, and to the Sudder Adawlut and the Commissioner in the Deccan, requesting their answers may be prepared and forwarded as soon as practicable.

DEPUTY SECRETARY *to the* GOVERNOR *of* CEYLON *to the* SECRETARY *to the* BOMBAY GOVERNMENT,

Dated the 14th August 1822.

Mr. Deputy Secretary Lusignan's Answers to Queries, 14 Aug. 1822.

Trial by Jury.

Sir:

I am directed by his Excellency the Governor to acknowledge the receipt of your letter of the 8th ultimo, and to acquaint you, in reply, for the information of the Honourable the Governor in Council at Bombay, that the introduction of juries consisting of natives for the trial of criminal offences has been successfully used in the Supreme Court since the latter part of 1811, under the provisions of the charters of 1810 and 1811, of which extracts are enclosed.

It may be necessary perhaps to remark, that the jurisdiction of the Supreme Court in the island, in respect to criminal trials, extends throughout the whole of the territories which were possessed by His Majesty prior to the acquisition of the Candian provinces in 1815, and to all persons therein, as that of the the Supreme Court at Madras is to the vicinity of that presidency. The trials by native juries are therefore conducted under the advantage of the superintendence of the principal legal authorities in the island, and who, by the charter, have a right to assign in each case such caste or description of persons to be the jurors to try the same, as the court may conceive best adapted for the ends of justice; excepting always when Europeans are defendants, in which case the jury must consist wholly of Europeans. By this means, where partiality or defect of acuteness may be expected, by the jury being of the same caste or class as the prisoner, the court has the power of applying a remedy.

It has not been attempted (except recently in the formation of coroners' inquests within the limits of the principal towns in the island) to summon jurors for the trial of criminal cases before the inferior Magistrates; and it may be doubtful how far a jury of natives, not acting under the control of high judicial authority, would prove impartial or discerning.

I enclose the present rule under which juries are summoned before the Supreme Court in this island; and in respect to the application of the system to India in general, his Excellency desires me to state that he does not feel himself competent to offer an opinion; but the Honourable the Governor in Council will doubtless be able to judge, if under the same limitation of their

sphere

Mr. Deputy Secretary Lusignan's Answers to Queries, 14 Aug. 1822.

sphere of duties, *viz.* in trying cases under the superintendence of the higher judicial authorities, it would answer equally as in Ceylon.

It is right to observe that mixed juries of different castes of natives have not been had recourse to, though the association of natives of the first classes with burghers, or the half-caste descendants of Europeans, is not unfrequent.

Trial by Jury.

Even in the same caste of natives there have been distinctions made of the jurors into classes, which have not been called on to associate together; but this last subdivision appears inconvenient, and will probably be discontinued.

I have, &c.

(Signed) GEORGE LUSIGNAN,
Deputy Secretary.

Chief Secretary's Office, Colombo,
14th August 1822.

EXTRACT *from the* CHARTER *of* 1810 *for the* ISLAND *of* CEYLON.

Enclosure in the above.

X. And whereas it is deemed expedient and beneficial that trial by jury in criminal cases should be introduced into the British settlements on the island of Ceylon, subject to such modifications as the state of the settlements may require; we do hereby direct and ordain, that from and after the publication of these our letters patent in the island of Ceylon, our said Court of Judicature, or our Chief Justice or Puisne Justice, sitting in their respective divisions, herein before appointed, shall, at a convenient time previous to the holding any court or session of criminal jurisdiction for the trial of offenders and delivery of the jails, issue his or their warrant or precept, to be directed to the Fiscal of the province or district wherein such session is appointed to be holden, commanding him to summon a convenient number, therein to be specified, of good and sufficient persons, qualified in such manner as shall be regulated by rules or orders established by our Chief Justice, for the purpose of trying all offenders with whom they shall be charged at any such session; and out of such persons so returned, a jury, composed of thirteen men, shall be drawn by the Register, or person acting as such at such criminal session; and every prisoner shall be entitled to have five peremptory challenges without assigning any cause for such challenges; and may also, upon good cause assigned to the court, challenge any other of the jurors; which last challenge shall be refused or allowed at the discretion of the court, and others shall be drawn in lieu of such as shall be rejected upon peremptory challenges, or challenge allowed by the court; and if a sufficient number do not attend to form a jury, or if the persons summoned are reduced by challenges below the number sufficient to make a jury, others of the bye-standers, or who can be immediately summoned and can attend qualified as jurors, according to the directions of the precept for summoning the jury, shall be added to the jury, until thirteen shall appear; and the said jury so formed shall be duly sworn to try, and shall well and truly try all offenders with whom they shall be charged, at any court session or jail delivery, and shall give such decision or verdict in respect of all such persons, and upon all issues in criminal matters, as they or the major part of them shall agree upon; and if any person or persons to be summoned on such jury as aforesaid shall refuse or neglect to attend according to such summons, and be sworn upon such trial, we do hereby empower the Supreme Court, or each Judge thereof sitting in his respective division, to punish such contempt by fine, or by imprisonment, or by both.

XI. Provided always, that it shall be lawful for our said Supreme Court of Judicature, or our Chief or Puisne Justice sitting in their respective divisions, in any case in which it shall appear to be necessary or expedient for ensuring a more impartial trial of any offenders, to order and direct, that the jurors shall consist of British, or Europeans, or natives, or of any such description of Europeans or natives as shall be specified in any order made for that purpose; and the Fiscal shall in every such case summon jurors of the description of persons specified in such orders.

True extract:

(Signed) GEO. LUSIGNAN,
Deputy Secretary.

EXTRACT *from the* CHARTER *of* 1811 *for the* ISLAND *of* CEYLON.

Enclosure in Mr. Deputy Secretary Lusignan's Answers to Queries, 14 Aug. 1822.

Trial by Jury.

AND whereas it is directed and ordained by our said letters-patent, granted in the fifteenth year of our reign, that persons qualified in such manner as shall be regulated by rules or orders established by our Chief Justice, shall be summoned to serve as jurors for the trial of offenders therein mentioned, we hereby ordain and direct that such rules or orders for regulating the qualifications of jurors shall be made and established by our Chief Justice and Puisne Judge, or if they shall not agree thereon, that then they shall draw up a statement in writing of the different rules and orders proposed and approved of by each of them, together with their respective reasons for such approbation, and shall both sign the said statement and lay the same before our Governor, or in his absence from the said island, our Lieutenant-Governor, or the person executing the office of Governor for the time being, who shall thereupon take the same into his consideration, and shall confirm, reject, or alter any of the said rules and orders, or substitute others in their stead as he may see fit, and shall return the same to our said Justices so finally confirmed and signed by him, which said rules and regulations shall henceforth be in force. And whereas it is provided by our said letters-patent, granted in the fifteenth year of our reign, that it shall be lawful for our said Supreme Court of Judicature, or our Chief or Puisne Justice sitting in their respective divisions, in any case in which it shall appear necessary or expedient for insuring a more impartial trial of any offender, to order and direct that the jurors shall consist of British, or Europeans, or natives, or of any such description of Europeans or natives as shall be specified in any order made for that purpose, and that the Fiscal should in every such case summon jurors of the description of persons specified in such order, we hereby confirm the said last-mentioned provision, subject only to this further order and direction; and we do hereby further ordain and direct, that from and after the publication of these our letters-patent, juries for the trial of Europeans, and of persons born of European parents, shall in all cases consist wholly of Europeans.

True extract:

(Signed) GEO. LUSIGNAN,
Deputy Secretary.

By the Honourable the CHIEF JUSTICE *and* PUISNE JUSTICE.

WHEREAS, by virtue of the provisions contained in His Majesty's charter bearing date this sixth day of August, in the fifteenth year of his reign, establishing, amongst other things, a trial by jury in criminal cases, in the British settlements in the island of Ceylon, subject to such modifications as the state of the settlements may require; and by virtue of the further provisions contained in his Majesty's charter bearing date the thirteenth day of October, in the fifty-second year of his reign, touching the qualification of jurors; we the said Chief Justice and Puisne Justice of the Supreme Court of Judicature in the island of Ceylon, did, by our rules and orders, bearing date respectively the twenty-fourth day of April, in the present year, one thousand eight hundred and twelve, and the thirteenth day of August in the said present year, in that behalf regulate, declare, and establish, that the several persons mentioned in the lists annexed to the said rules and orders, being persons of good fame and competent condition in the district of Manar, should be deemed duly qualified, as required by his Majesty's said charters, to serve as jurors, and should be eligible accordingly; and whereas we, the said Chief and Puisne Justice of the said Supreme Court of Judicature, upon full consideration, do think fit to revoke and annul the said rules and orders, we do, by this our rule and order, revoke and annul the said rules and orders made by us as aforesaid, and we do hereby authorize and direct you, the said Fiscal, to return, as jurors for the purpose of trying all offenders with whom they shall be charged, at any sessions as aforesaid to be held for the district whereof you are Fiscal, either by the said Supreme Court, or the Judge constituting the division thereof in which the district of which you are Fiscal is situate, persons qualified as hereinafter mentioned, and no others, that is to say, men of good character, and usually resident

Enclosure in Mr. Deputy Secretary Lusignan's Answers to Queries, 14 Aug. 1822.

Trial by Jury.

within the British settlements in this island, or the territories thereto belonging, of the full age of twenty-one years, and of free birth and condition.

Given under our hands and seals at Colombo, the thirteenth day of October, in the year of our Lord one thousand eight hundred and twelve.

(Signed) ALEXANDER JOHNSON, (L.S.)
WILLIAM COKE, (L.S.)

By order:
(Signed) V. W. VANDERSTRAATIN,
Acting Resident.

CRIMINAL JUDGE *at* BROACH *to* MR. SECRETARY HENDERSON,
Dated the 3d September 1822.

SIR:

Mr. Kentish's Answers to Queries, 3 Sept. 1822.

I have the honour to submit the following replies to the queries circulated in Mr. Secretary Henderson's letter of the 13th ultimo.

1st. The general effects of appointing judicial assessors, or jurymen, from the natives, would, in my opinion, tend to impede the pure and prompt administration of justice.

2d. The total want of ability, judgment, and integrity in natives, to discharge the functions of jurymen, will, it appears to me, continue to be experienced in practice, until the gradual progress of education and intellectual improvement may cause the moral and religious habits of the people to undergo a very material and radical reform.

3d. The introduction of the measure, from the universal indolence and retired habits of the people, may be assumed hostile to the general feelings of the community.

4th and 5th. The natives place so little confidence in each other, and hold the decisions of Europeans in such high estimation, that I am inclined to believe criminal courts of the proposed constitution would, if possible, render the people less indifferent than at present to the principles on which the administration of justice is conducted.

6th. The sanguinary severity of the punishment enforced by the Native Governments, probably, is the cause of the decisions in our courts not inspiring that awe and dread, the natural attendants of an arbitrary tribunal; and in this point of view I am induced to think the administration of our laws, from their general leniency, whether vested in judge or jury, will in their effects, among a people destitute of the habit of reflecting on passing events, be found productive of the same degree of apathy and indifference alleged to exist under the present system; and, in short, it has always occurred to me to be more the ignominy and publicity of the punishment, than the justice of the verdict, which would be likely to cause the degradation of the character of the offenders.

7th. I am quite at a loss as to the best mode of constituting a native jury; as, were it to consist of members of the same caste with the prisoner, I should expect partiality or prejudice, agreeably to the interest and influence of the party in society; whilst, on the other hand, were the accused to be subjected to the hardship of a trial by a sect of men of different habits and prejudices, although the exercise of partiality might be lessened, yet I fear either general indifference or unfavourable bias, emanating from religious feelings, would never ensure a fair and impartial trial; and supposing the jury to be formed promiscuously from natives of every description, the guilt or innocence of the party would very generally be lost sight of, among the feuds and animosities engendered in the minds of the judges, by the annihilation, in their estimation, of every distinction and privilege arising from caste.

8th. With the sentiments I entertain on the subject, power, if vested in a native jury, should be of very limited extent.

9th.

9th. I do not think the different castes would willingly associate with each other on a jury; and compulsory measures to enforce an attendance of this nature would, in my opinion, be viewed as a direct attack on existing customs and privileges.

Mr. Kentish's Answers to Queries, 3 Sept. 1822.

Trial by Jury.

10th. I do not see, should it be considered feasible to introduce into this country the system of trial by jury, the possibility, in equity, of confining the office to any particular class of people.

11th. Independent of the almost impracticability of the measure, I think it would under no circumstances be advisable to allow of an intermixture of Hindoos and Mahomedans on a native jury.

12th. It would appear under the proposed system, although a jury might acquit, the judges would nevertheless possess authority to condemn. This reservation certainly would have the effect of wholly nullifying the object in contemplation; and, in my opinion, the necessity of preserving the provision, clearly shows the progressive civilization of the country not to be sufficiently advanced to authorize the introduction of a system of jurisprudence framed for the government of an enlightened people, differing so widely in morals, religion, and habit, from the natives of India.

13th. I am inclined to believe, notwithstanding the right of challenging, it would be found very difficult to prevent improper persons from being returned to serve on juries; especially as the higher and more respectable part of native society, from their general habits of retirement, are at all times extremely averse to appearing in an open court of justice, or to be concerned in any measure involving publicity of proceeding.

I have, &c.

(Signed) J. KENTISH,
Criminal Judge.

JUDGE *at* SURAT *to* MR. SECRETARY FARISH,
Dated the 12th September 1822.

SIR:

I have the honour to submit the accompanying answers to the queries in regard to juries, circulated in Mr. Secretary Henderson's letter of the 13th ultimo.

Mr. Anderson's Answers to Queries, 12 Sept. 1822.

I have, &c.

(Signed) G. A. ANDERSON,
Judge.

Question.	*Answer.*
1st. What would, in your opinion, be the general effects of appointing judicial assessors, or jurymen, from among the natives, for the purpose of assisting in the trial of criminal cases?	1st. Supposing the measure to be practicable in all its details, and that the natives are capable of becoming good and honest jurymen, I see no reason to conclude otherwise than that the effects of trial by jury would be

beneficial; though from the state of society, the habits and general indifference of the people, I have no idea that it would be to them that valuable and prized right which it is to us. In regard to the practicability of the measure I shall only here observe, that though I think there are very many circumstances, arising from peculiar prejudices, which would render it most difficult of accomplishment, yet that were the thing simply ordered without any attention to opinion or circumstance, perhaps nothing would be more easy than to assemble twelve men, and to constitute them into a jury.

The chief objection, or rather obstacle, however, to the trial by jury in this country, arises in my opinion from the character of the natives, from their general ideas or way of thinking, their want of education, their prejudices, and perhaps above all, their disregard of truth and general

want

Mr. Anderson's Answers to Queries, 12 Sept. 1822.

Trial by Jury.

Answer.

want of principle. In their religious feeling, and in their connexion by caste, we should find also difficulty. A Hindoo, for instance, would hardly be brought to condemn a Brahmin, or perhaps indeed any individual belonging to one of the numerous tribe of venerated or holy characters. The influence arising from caste and family would be found, though difficult to trace, powerful and extensive, and would tend, I should fear, considerably to affect the fairness of the trial. It would act altogether, and most unduly in favour of the prisoner; and this indeed, from a consideration of all circumstances, appears to me would be the direct tendency of the measure. Many guilty would escape, though perhaps few or none innocent would suffer: this, though in our infirmity held almost as a principle of jurisprudence, yet, if carried to any extent, could not but prove destructive to society.

In regard to the trial itself, I must confess I think the natives generally little capable of judging of the effects of evidence, or of connecting any chain of reasoning when the subject is intricate, or the circumstances contrary to their experience. Striking instances to the contrary we have all doubtless met; but juries must be selected from the general mass, without perhaps the possibility of much attention to mental qualification. Were we, for instance, to refuse those who are incapable of reading and writing, we should so limit the power of selection as perhaps nearly to render the measure impracticable, and otherwise also to reject some who may be the most acute and intelligent part of the community.

The little value which the natives have for truth is an objection which must occur to every person. A jury is sworn to try and declare the truth upon the evidence given; but with the native, I fear, we can come to no other conclusion, than that the oath or any other form in which it might be determined to bind him by moral obligation to the faithful discharge of his duty as a juryman, would have but slight influence, if even it caused a moment's consideration.

The proneness to bribery and corruption, that prominent feature in the native character, constitutes, however, what I consider as the most fatal objection to the attempt. Having nothing to lose, subject to no examination or question, scarcely indeed as a juryman running any risk, the native, so open to every undue influence, it is little to be expected would resist that which consulted his immediate interest in the shape of a pecuniary offer. The consideration of the effects of such a state of things in the administration of justice cannot detain us. (*Sic orig*

In their fears we have another cause, were there no other, which would tend to prevent the natives making good jurymen. A whole jury would, perhaps with reason, dread the effects of the animosity of a prisoner or his family against whom they might give a verdict. In the northern districts I should consider this as likely to influence to such extent, as that it would be almost impossible to induce a jury to bring in guilty any considerable Grassia or powerful Kolee chieftain. The individuals composing a jury would possibly sufficiently like to hear of any noted depredator, who had (*Sic orig.*) kept the whole country in alarm, being brought to justice; but when they are made the means of his condemnation it becomes quite a different thing, and in the dread of vengeance upon themselves or their families for generations to come, there is perhaps no proceeding that we could require from them that they would so decidedly avoid; an effect which, terminating, as it would do, in the continual acquittal of the most guilty, would be equally fatal to that administration of justice with the most flagrant corruption.

It may be said, however, in opposition to these sentiments, that in the trial by punchayet we have already experience of the capability of the natives to become jurymen. To this I have only to reply, that judging from what I have seen, it appears to me that essentially no two modes of trial can more differ than an Indian punchayet and a British jury. I speak, however, here of the punchayet as relates to civil disputes, in which I have found that the object has generally been either to effect a compromise or

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Answer.

or to come to a decision upon any other principles than those which guide juries. I have not been able to learn how far the punchayet was used under the native Governments in criminal cases: at Ahmedabad, I do not think it had any existence, either under the Mahomedan or Mahratta rule; at this place it was unknown. It is, however, evident that, under any Government where fines were farmed out for a revenue, or where evidence was forced or guilt established by torture, that the trial by punchayet, if it existed at all, must have been in force but to very little purpose, at least as regards the particular effect in supposition, rendering the natives by habit and experience good or competent judges of fact by deduction of evidence.

Question.	*Answer.*
2d. Would the evil effect, if any you apprehend might result from them, be likely in the course of time to diminish, or the reverse?	2d. I should think this would depend upon the degree in which alteration takes place in the natives' character. It is to be hoped that, under the administration of our Government, improvement will be considerable, though it may be gradual: as, however, it advances, I should consider the evil effects apprehended would diminish.
3d. Would the measure be agreeable to the natives?	3d. At present I should consider the natives generally would be perfectly indifferent to the measure; though those who might be chosen to form the jury, so far from viewing it as a troublesome demand upon their time, and in holding out no prospect of personal advantage, perhaps as not unoppressive.
4th. Would it not have the confidence of the natives in our administration of criminal justice, by gradually rendering them better acquainted with the principle on which it is conducted?	4th. In this respect I should consider that it would prove quite inoperative.
5th. Would it not tend gradually to interest them more in the police administration of the country, and the punishment of offenders?	5th. In respect to the police administration, I have no idea that it would have any such tendency, and I should not anticipate that it would render the general community more interested in the punishment of offenders than at present.
6th. The sentences of our criminal courts are understood, in too many instances, to be regarded with great indifference by the community, and considered to affect but little the character of the offender: would not the verdicts of juries view the convicted criminal as a person most seriously and justly degraded?	6th. This indifference may generally exist; it does not, however, arise from the mode of trial, but from the character of the people. With sentences passed by the King's courts the effect is the same as respects the native community; the character of the offender, however, is by no means little affected, excepting in the lower and some other classes; but commonly, I should say, a convicted criminal becomes degraded in the opinion of society, and that he is made sensibly to feel it in the occasional taunts and reproaches he encounters in his future progress through life. As an evidence or party in a dispute in court, nothing is more common than allusion to the disgraceful stain. For the rest, I cannot anticipate that, because sentences should become the result of verdicts of juries, rather than of our courts as at present constituted, that any particular effect as regards the view of the question would be produced.
7th. What would be the best mode, in your opinion, of constituting a native jury,	7th. The simplest mode would of course be by not putting upon the jury

Mr. Anderson's Answers to Queries, 12 Sept. 1822.

Trial by Jury.

Question.	*Answer.*
jury, with the view particularly of guarding against prejudice arising from caste, either against the prisoner or in his favour?	jury any person of the same caste with the prisoners: and this indeed I should consider essential, if the verdict should be required to be given unanimously, and not by a majority; if, however, by

a majority, and that to consist of three-fourths, the remaining fourth might be of the prisoner's caste: though even this, in my apprehension, would lead to such difficulties as that it would be far better avoided.

I do not think there would be much cause to apprehend prejudice against the prisoner; but that, on the contrary, the feeling would be all in his favour; and this perhaps would be the case in whatever way the jury might be constituted, arising from the people, who having no share in the Government, being so distinct in religion and habits, and from other obvious circumstances, form as it were a party against the Government, and are so connected amongst themselves, by a thousand ties unknown and perhaps inconceivable to us, that, serving as a jury, they would in many cases be disposed to consider the prisoner rather as a kind of fellow sufferer, and an object to save, rather than impartially to judge.

In Surat, in constituting a jury, however, we should have an advantage in the Parsee tribe, which does not exist elsewhere. In trying a Hindoo, for instance, the jury should consist of Parsees and Mahomedans, or at least a majority should be of those persuasions, and reciprocally upon the same principle with regard to either Mahomedans or Parsee offenders. At Ahmedabad some advantage would in like manner be found from the Jains.

For the purpose of selecting juries if the measure is determined upon, perhaps something upon the following plan might be adopted. Lists should be made of all householders, with the exception of some of the lowest castes. Some day previous to a sessions, a certain number of persons should be noted by the Nazir as liable to be called; from this a smaller number should be pricked off by one of the Assistants to the Judge for attendance, and from these the jury should be appointed also by the Assistant with reference to caste, qualification, and other circumstances, that may be determined upon by the law. In trials before the criminal Judges, a similar plan should be pursued as regards the final selection to be made by the Assistant, though, as the trials do not occur at fixed periods, it might be found more convenient to appoint the jury from a number taken at once from the lists; that is, without requiring the first nomination of those liable to be called. In any plan however that may be thought of, I should consider it as most essential that the immediate selection of the jury should rest with a European, and not a native officer.

8th. What degree of power would you recommend to be entrusted to juries on the commencement of the plan, if it should be adopted?	8th. That they should be judges of fact; that their verdicts of acquittal should be final, but that in cases of verdicts of guilty, under certain circumstances, a new trial should be

allowed. I do not think that a less degree of power can well be given them in the commencement than in the end, excepting that as the freedom of the press advances into perfection, it may become necessary to determine their powers upon the question of libel.

9th. Would it be possible, and if so would it be desirable, in your opinion, that jurymen should be appointed from all castes of Hindoos, and sit indiscriminately?	9th. It would be impossible; Dhurs, Chumars, and other base castes, could never be associated with other Hindoos.
10th. If not, what caste would, in your opinion, be eligible for this service?	10th. It would be difficult precisely to enumerate all the different castes; but Brahmins, Kshutrees, Bunneas, and generally all castes not base, may be

Mr. Anderson's Answers to Queries, 12 Sept. 1822.

Trial by Jury.

Answer.

be considered eligible; though perhaps there are several amongst the high as well as the low in which it will not be often found that there are many members very fit for the service.

Question.

11th. Would it in any case be practicable to place Mahomedans and Hindoos on the same jury, and would it be desirable to do so?

Answer.

11th. I think it would be practicable and desirable.

12th. If upon the whole the appointment of jurymen should appear to you to be likely to be attended with advantage, would the following mode of employing them accord with your sentiments, or would you recommend any material alteration? The Judge, after the evidence on both sides had been heard, to sum up the case and remark upon the evidence adduced; the jury to deliver their verdict, with an explanation of the grounds of it, stating particularly, as their reasons for believing or disbelieving evidence, that belief or disbelief has occasioned their verdict. The Judge, on receiving the verdict, if his own sentiments coincided with it, to pronounce sentence accordingly; if they differed from it, to refer the case, with his opinion, to the Sudder Adawlut.

12th. It seems rather inconsistent with the principles of the trial by jury to require an explanation of the grounds of the verdict. Such a security, however, for the impartial conduct of the juries of this country may be too necessary; the existence, however, of such a necessity may perhaps be considered as evidence of the unfitness of the people for the office. I should be apprehensive also that difficulty would not unfrequently occur on the part of the jury to give their reasons, and often when given that they would be so unsatisfactory, as considerably to embarrass the Judge, who might consider the prisoner guilty, but not at all so upon the grounds explained.

In regard to the reference to the Sudder Adawlut in cases of verdicts bringing in the prisoner guilty against the opinion of the Judge, it might be adopted in preference to granting a new trial; but in cases of acquittal, however, against the sentiments of the Judge, I do not think that any reference should be provided. The inconvenience of the failure in justice would be frequent; but that is an evil which I consider inseparable from the measure, and therefore I consider it one that it would be unwise and imprudent to introduce.

13th. Does any thing occur to you relative to the mode of constituting juries, the powers which should be intrusted to them, the tendency of the measure, and generally its practicability and advisability, or the reverse, which is not particularly borne upon, or comprehended in the foregoing questions? If so, state your sentiments at large.

13th. The mode of choosing a jury is not adverted to. I have briefly stated what occurs to me upon the point: it would, however, be necessary to define the qualifications required in a juryman; the description of housekeeper; the manner in which he is to be called; the time and notice to be given; the extent of the right of challenge; in all which, and any other detail, it would perhaps be best, as far as circumstances would allow, to follow the practice pursued in England.

A most material question arises also, as to whether the jury should be required to give their verdict unanimously or by a majority. From a consideration of every circumstance connected with the subject, I am decidedly of opinion that it should be by a majority.

A difficult question also occurs as to Europeans, not British subjects. The mode of trial, if given to natives, ought to be extended to them; but to effect it seems nearly impossible.

(Signed) E. ANDERSON,
Judge.

JUDGE *and* CRIMINAL JUDGE *in the* SOUTHERN CONCAN *to* MR. SECRETARY HENDERSON,

Dated the 6th September 1822.

Mr. Hale's Answers to Queries, 6 Sept 1822.

Trial by Jury.

SIR:

Annexed I do myself the honour to lay before the Honourable the Governor in Council my reply to the questions submitted in your circular despatch dated the 13th ultimo, which reached me only so late as the 2d instant.

I have, &c.

(Signed) V. HALE,
Judge and Criminal Judge.

Question.	*Answer.*
1st. What would, in your opinion, be the general effects of appointing judicial assessors or jurymen from among the natives for the purpose of assisting in the trial of criminal cases?	1st. I am an advocate for the plan, under a strong impression that the effects of its institution would, though perhaps not immediately efficacious, yet in the end be beneficial. That many objections will arise must be expected, under a system possessing so much of novelty. It is at the same time exceedingly improbable that any general opinion now formed as to its result would be verified entirely; but I hold it to be a sufficient argument in favour of the experiment, that any temporary evil to be apprehended is on the whole overbalanced by the prospect of future benefits to the community.
2d. Would the evil effects, if any, which you apprehend might result from them, be likely in the course of time to diminish, or the reverse?	2d. They may be expected to diminish assuredly, not only from the natives being habituated to the new system, but by the probability that time, as it disclosed its defects, would produce the means of removing them.
3d. Would the measure be agreeable to the natives?	3d. That depends, of course, in a great measure on the mode of its institution; but I see nothing to prevent its being made perfectly palatable to them: they will call it a punchayet, and we a jury.
4th. Would it not have the effect of increasing the confidence of the natives in our administration of criminal justice, by gradually rendering them better acquainted with the principles on which it is conducted?	4th. Yes; I think we have every right to look for such an effect.
5th. Would it not tend gradually to interest them more in the police administration of the country and the punishment of offenders?	5th. As much so, perhaps, as the apathy of the generality of natives is capable of being moved to an interest beyond their own immediate concerns.
6th. The sentences of our criminal courts are understood, in too many instances, to be regarded with great indifference by the community, and considered to affect but little the character of the offender; would not the verdicts of juries have a tendency to remove this evil, and to make the natives view the convicted criminal as a person most seriously and justly degraded?	6th. No; I do not see any particular difference it could make in this respect. The quota and species of punishment would I presume be awarded as at present: the jury could only pronounce on the guilt or innocence of the offender. The supposition, therefore, of any increased degradation being produced under their verdict, in lieu of that of the Judge, could only be supported by an impression, that punishment under the existing laws is at times, in the eyes of the natives, unjustly inflicted. Now I am far from believing this is the prevailing opinion: on the contrary, our extreme caution in the trial of criminal offences, and the frequent palpable cases that occur in every court of justice of prisoners escaping from the want of evidence

Mr. Hale's Answers to Queries, 6 Sept. 1822.

Trial by Jury.

Answer.

evidence that we deem sufficient to convict upon, is, if I may use the term, a subject of derision among them. I have myself heard it the frequent boast of the higher classes, that in Bajee Rao's reign the burglaries and gang-robberies now prevalent were of very rare occurrence, owing to the summary mode of trial pursued, which rarely suffered the guilty to escape after apprehension, though at the occasional sacrifice of the innocent.

Question. / *Answer.*

7th. What would be the best mode, in your opinion, of constituting a native jury, with the view particularly of guarding against prejudices arising from caste, either against the prisoner or in his favour?

7th. I would limit the jurymen to five, the prescribed number of a punchayet; and (speaking of course with reference to this zillah—but lately emancipated from a Brahminical Government) I conceive the expedient ought to commence with a selection from the Brahmin caste in the trial of all Hindoos; in which, however, the different sects of Brahmins should be promiscuously included. This will create a sufficient diversity of character in the jury, while it affords the only prospect of obtaining men of education and ability fit for the duty. It is obvious the system at home of trying the prisoner by his equals would never answer in this country. Mahomedans should be tried by a jury of the most respectable of their caste which are procurable. In all cases the jury must be assembled from among the inhabitants of the Sudder station, by a written receipt from the court; but it must remain to be shewn by experience whether they can be convened without remuneration: I should think not.

8th. What degree of power would you recommend to be entrusted to juries on the commencement of the plan, if it should be adopted?

8th. I would let their duty simply be to pronounce on the fact; that is, whether the act or deed charged against the prisoner has been committed by him, without designating the crime by any particular name. My reason for this is, that there are cases where a prisoner guilty of robbery or murder would be pronounced innocent by a Mahomedan jury.

9th. Would it be possible, and if so, would it be desirable, in your opinion, that jurymen should be appointed from all castes of Hindoos, and sit indiscriminately?

9th. *Vide* answer No. 7.

10th. If not, what castes would, in your opinion, be eligible for this purpose?

10th. *Vide* answer No. 7.

11th. Would it in any case be practicable to place Mahomedans and Hindoos on the same jury; and would it be desirable to do so?

11th. I have reason to think it would not be desirable to attempt to empannel Brahmins and Mahomedans together. It might be done with other castes of Hindoos and Mahomedans; but I do not see the object to be attained by it, except in particular instances, which will be mentioned hereafter. Better let the jury be confined at first to the two former sects.

12th. If upon the whole the appointment of jurymen should appear to you to be likely to be attended with advantage, would the following mode of employing them accord with your sentiments, or would you recommend any material alteration? The Judge, after the evidence on both sides had been heard, to sum up the case and remark upon the evidence adduced; the jury to deliver their verdict, with an explanation of the ground of it, stating particularly the reasons for believing or disbelieving evidence, where that belief or disbelief has occasioned their verdict. The Judge, on receiving the verdict, if his own sentiments

12th. The mode of employing the jury, specified in this question, entirely accords with my opinion on the subject.

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Question.

sentiments coincided with it, to pronounce sentence accordingly; if they differed from it, to refer the case with his opinion to the Sudder Adawlut.

Question.

13th. Does any thing occur to you relative to the mode of constituting juries, the powers which should be entrusted to them, the tendency of the measure, and generally its practicability and advisability, or the reverse, which is not particularly borne upon, or comprehended in the foregoing questions, if so, state your sentiments at large?

Answer.

13th. I have only, in conclusion, to offer a few observations regarding the objections and difficulties which may be urged against the proposed measure, set in opposition to the advantages to be looked for from its institution.

In the first place, unless remuneration to the jury be contemplated, I should apprehend the greatest difficulty in obtaining the attendance of members to compose it. Few, if any natives, having other pursuits to attend, would feel a sufficient interest in such a duty as to dedicate their time and attention gratuitously: or, admitting that among the higher classes this objection would not press so heavily, yet their number is too limited to hold forth any prospect of having always at command wherewithal to constitute a jury; for it must be recollected that their services would be called for, generally speaking, two or three days in the week. I am not indeed clear that the Sudder station of this zillah, which is, or at least will be, one of the principal towns in the Concan, is not too confined as relates to its population for the required purpose, even though the services of the whole of the inhabitants adapted to the duty should be made, by an adequate compensation, available. How far this obstacle will be found to exist in reality cannot now be foretold with any accuracy; but I do not think it could conveniently be remedied by extending the range for the selection of jurors beyond the precincts of the Sudder station.

Supposing all obstacles in convening a jury to be surmounted, that the natives are found willing gratuitously to afford their services or otherwise, that a remuneration is held out sufficiently to insure their attendance with facility, it next remains to consider in what manner the proposed mode of trial will affect the administration of criminal justice in all its branches.

In cases of capital crimes, comprizing murder, gang robbery, burglaries, &c., which are seldom or ever committed but by the lower classes, I have no reason for supposing a native jury, whether Brahmins or Mahomedans, would act otherwise than with strict impartiality. At any rate, their prejudices, if any existed, would not incline in favour of the prisoner; while any improper bias against him is checked by the power vested in the Judge to refer the case to the Sudder Adawlut.

The same reasoning is applicable to all minor offences committed by the lower classes, composing the majority usually charged with crimes.

The principal danger appears to me to threaten in those instances where the jury have to try one of their own rank or caste, who, though perhaps seldom brought to the bar for offences of the nature above-mentioned, are by no means behind-hand in other descriptions of crime scarcely less injurious to the community. I allude more particularly to forgeries, conspiracies, frauds, perjuries, and the like, to which may be added corruption and bribery in the native officers of Government.

In trials for crimes such as these, we should find instances abound where all the innumerable petty contrivances and intrigues, for which the natives are so notorious, put in practice to sway and mislead, to bribe and corrupt the jury. All the influence arising from connexion, relationship, caste or wealth, would be put in force in the prisoner's favour, and it would be placing much more confidence in the integrity of natives of any caste than I am inclined to do, to say that such arguments would not oftener succeed than prove abortive. To this apprehended evil, which is the principal objection it occurs to me to offer, is opposed, as before adverted

Answer.

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adverted to, the power vested in the Judge, and I admit to a very considerable extent the cogency of the argument towards its remedy.

Trial by Jury.

Viewing, on the other hand, the advantages of the system, I am of opinion that the assistance of a native jury to the Judge, particularly in those intricate cases which are of common occurrence, may be very highly appreciated, for there is a shrewdness and penetration perceivable in the character of a native, when he chooses to exert himself, in shifting scenes of villany, or is interested in the event, not easily reconcilable to his otherwise supine habits, and their knowledge of the manners and customs (perhaps I might more properly say the evasive arts) of their own countrymen, superior to that of any judge, may assuredly be advantageously employed on such occasions; and in furtherance of this point, though I forget whether it is the practice in English courts, I would allow questions to be put by the jury, both to prisoners and witnesses.

The advantages of a plurality of opinions over one in pronouncing sentence of guilt, or acquittal in doubtful cases, is no less a prominent feature in the system: for it will not be denied that an offender occasionally escapes from the scantiness of the evidence against him, at a time when the Judge is mentally convinced of his guilt; or that condemnations take place leaving a painful impression on his mind of the possibility of being convicted on false testimony. The latter, I trust, for the sake of humanity, is oftener imaginary than real: but in either case the value of a jury's verdict coinciding with the opinion of the Judge must be obvious.

I have suggested, in my answer to the seventh query, the number of five to constitute a jury, partly because it forms the quota of a native punchayet, and partly to provide for the more easily assembling them when required, which, in a small town, is a point not to be overlooked. There are, however, two circumstances I have omitted to advert to, and which I shall now introduce. The first is, the right of the prisoner to challenge any one or more of the jurors in accordance with the practice in England. I am of opinion this is a privilege which, although liable to be abused by frivolous and vexatious objections, should not be denied; instances may occur when it might be most essential to him, and therefore, in justice to the prisoner, should form part of the system. The second relates to the measure to be pursued when Hindoos and Mahomedans are placed at the bar together upon the same charge. This is not a common occurrence in the zillah, but at the same time should be provided for; and such are, therefore, the particular instance where I would empannel Hindoos selected from the better classes (not Brahmins) with Mahomedans in equal numbers, letting the jury in those cases consist of four or six, so that there could be no undue influence in favour of their caste.

In conclusion I have only to observe, that nothing further of importance enough to mention at present occurs to me on this subject. The soundest judgment, I conceive, must be purely speculative as regards the permanent effects of the system, and there may no doubt, on its introduction, be disclosed advantages or disadvantages tending directly to alter opinions now formed prospectively of its probable good or ill success.

(Signed) V. HALE,
Judge and Criminal Judge.

REGISTER *to the* COURT *of* SUDDER *and* FOUJDARRY ADAWLUT *to the* SECRETARY *to* GOVERNMENT.

Dated the 28th September 1822.

Register of the Sudder Adawlut, 28 Sept. 1822.

SIR:

I am directed by the Sudder Adawlut and Sudder Foujdarry Adawlut to acknowledge the receipt of your letter dated the 13th ultimo, transmitting queries on the subject of trial by jury, and to forward to you, for the purpose of

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Trial by Jury.

of being laid before the Honourable the Governor in Council, the annexed copies of answers from the Judges.

I have, &c.

(Signed) E. GRANT,
Register.

CHIEF JUDGE'S REPLIES *to the* QUESTIONS *regarding Trial by Juries of Natives.*

Answers of the Chief Judge of the Sudder Adawlut to Queries.

Question.	*Answer.*
1st. What would, in your opinion, be the general effects of appointing judicial assessors, or jurymen, from among the natives, for the purpose of assisting in the trial of criminal cases?	1st. There is a preliminary difficulty to answering this question, arising from the terms employed in stating it; it is inquired "what would be the "general effects of appointing judicial "assessors, or jurymen, from among "the natives, &c." Now assessors and jurymen are not correlative terms.

The first are "persons possessed of knowledge in the law, appointed to "advise and direct the decision of the judges." But jurors are "a certain "number of men, sworn to inquire of, and to try a matter of fact, and "declare the truth upon such evidence as shall be delivered them in a "cause."

If the question relates to the duties of the former, there are judicial assessors already in our courts in the persons of the law-officers, and the effects are well known. If to the latter, it is quite impossible to say what might be the general effects without entering upon an examination of the constitutions, laws, and manners of those countries where jury trial exists, and more particularly of those of England, and contrasting them with the institutions, habits, and state of society of India: a task I am entirely incompetent to undertake. But I would venture to state, as a general answer, that there is so little of similarity, or rather such an immense distance between the principal institutions and the manners, feelings, and prejudices of the communities in each country, that I see no warrant for expecting that the trial by jury, which has required the experience of ages to perfect in England, would produce any good fruits among the natives of India. In France, even, it has by no means fulfilled the sanguine expectations under which it was there introduced.

2d. Would the evil effects, if any, which you apprehend might result from them, be likely in the course of time to diminish, or the reverse?	2d. *A priori,* it may not be easy to point out any positive evil which will follow its introduction, beyond the confusion and misapprehension which inevitably attend so great a novelty, on the

practical part of our jurisprudence, but it is more difficult to show the grounds for expecting any probable good to result from it.

3d. Would this measure be agreeable to the natives?	3d. The measure, like every thing new to them, would not be agreeable; they are quite incapable of appreciating

its merits. But could we be sure of ultimately obtaining all the good it is supposed capable of yielding, these considerations would not deserve much attention.

4th. Would it not have the effect of increasing the confidence of the natives in our administration of criminal justice, by gradually rendering them better acquainted with the principles on which it is conducted?	4th. This would greatly depend upon the manner in which jurors performed their duty.
5th. Would it not tend gradually to interest them more in the police administration of the country, and the punishment of offenders?	5th. It might.

6th.

Answers of the Chief Judge of the Sudder Adawlut to Queries.

Trial by Jury.

Question.	*Answer.*
6th. The sentences of our criminal courts are understood in too many instances to be regarded with great indifference by the community, and considered to affect but little the character of the offenders: would not the verdict of juries have a tendency to remove this evil, and to make the natives view the convicted criminal as a person most seriously and justly degraded?	6th. I am not aware that any part of the community which is intitled to be considered as decent and respectable, regards the sentences of our criminal courts with great indifference, insomuch as not to look upon them as things to be dreaded when applying the warning to themselves; on the contrary, I believe almost every man who has a character to lose considers an accusation, even of a criminal act, as a serious misfortune: so far, therefore, as the fear of punishment may operate as a preventive to crime, there is no defect in the feelings of the native community. But supposing they are inclined to view the objects of the law's wrath in a light less degraded and more indulgent than could be desired, what is there in the act of making a few of them jurors, that could remove such an evil from the public mind?
7th. What would be the best mode, in your opinion, of constituting a native jury, with the view particularly of guarding against prejudices arising from caste, either against the prisoner or in his favour?	7th. This question leads to the previous consideration of the different classes of persons in this country who, from being charged with criminal acts, cognizable in the courts of justice, might be tried by a jury: they are Hindoos, Mussulmans, Parsees, native Christians, Jews, natives, or subjects of foreign Europe and Americans. I am quite unable to form any opinion as to the best mode of constituting a native jury which should preserve any relative proportion among the numbers of so mixed a community as this.
8th. What degree of power would you recommend to be intrusted to juries on the commencement of the plan, if it should be adopted?	8th. This is a most delicate question, and one which in some respects can hardly be considered as completely settled among our own judges and lawyers at the present day. I feel quite incompetent to answer it.
9th. Would it be possible, and if so would it be desirable, in your opinion, that jurymen should be appointed from all castes of Hindoos, and sit indiscriminately?	9th. All castes of Hindoos, with certain qualifications as to the possession of property by the individuals, may be considered as eligible to furnish jurymen, except the very lowest, the touch or contiguity of whom imparts religious pollution.
10th. If not, what castes would, in your opinion, be eligible for this service?	10th. Answered in the preceding.
11th. Would it in any case be practicable to place Mahomedans and Hindoos on the same jury, and would it it be desirable to do so?	11th. This question ought not to be confined to Hindoos and Mussulmans. It will have been seen above, that there are other descriptions of persons whose rights in this matter should not be overlooked; how to effect this is a difficulty, as I have said before, beyond my solving.
12th. If, upon the whole, the appointment of jurymen should appear to you to be likely to be attended with advantage, would the following mode of employing them accord with your sentiments, or would you recommend any material alteration? The Judge, after the evidence on both sides had been heard, to sum up the case and remark	12th. I cannot imagine any thing less to answer the ends of justice, or of itself proving more unsatisfactory in practice, than a jury endeavouring in an open court, and by a direct communication with the Judge, to state to the latter individually, or by their foreman, their reasons for believing or disbelieving evidence. They might return

Answers of the Chief Judge of the Sudder Adawlut to Queries.

Trial by Jury.

Question.	*Answer.*
remark upon the evidence adduced; the jury to deliver their verdict with an explanation of the grounds of it, stating particularly their reasons for believing or disbelieving evidence, where that belief or disbelief has occasioned their verdict. The Judge on receiving the verdict, if his own sentiments coincided with it, to pronounce sentence accordingly; if they differed from it, to refer the case, with his opinion, to the Sudder Adawlut.	return a conscientious and perfectly true verdict upon their view and consideration of the evidence, yet be quite unable to give any tolerable reasons for the finding, far less to state such reasons in any satisfactory manner to the court. The practice could not fail to subvert all confidence in verdicts: for if even little questionable of themselves, they would still be open to objections, drawn from the bad or inconclusive reasonings of the jury.

A verdict of acquittal, in the merciful spirit and practice of the law of England, should be absolute, whether the sentiments of the Judge coincided with it or not.

If a verdict of guilty be given contrary to evidence, and to the opinion and direction of the Judge, and the case be thereupon referred to the Sudder Adawlut, is it intended that the court should direct a new issue and another trial before a jury, or itself to decide on the finding? If both Judge and jury agree, will there be any occasion for referring capital cases for final sentence to the Sudder Foujdarry Adawlut?

13th. Does any thing occur to you relative to the mode of constituting juries, the powers which should be intrusted to them, the tendency of the measure, and generally its practicability, or the reverse, which is not particularly borne upon or comprehended in the foregoing questions? If so, state your sentiments at large.	13th. It will be gathered from these answers, that although I think, in the existing state of society here, there may be no moral impossibility against its introduction, I can yet see no practicable good as likely to result from the trial by jury among the natives of India. Should the measure ever be seriously contemplated, it will behove the supporters of it to consider whether

grand as well as petty juries should not be constituted; whether jury-trial should not be had in the courts of the Criminal Judges, and how; whether the finding should be unanimous, or by a plurality of voices. They must also define the numbers of which each jury is to consist, and point out the descriptions of persons to compose them; fix who shall be the public officer intrusted with the duty of returning the names of jurors, and settle the qualifications of the latter. They must also lay down rules for striking juries, for challenging jurors, and define the extent of the latter privilege; and they should finally declare the powers of the jury to return general or special verdicts, and settle that most essential point, as to how far the jury are judges of law as well as of fact.

(Signed) JOHN ROMER.

SECOND JUDGE'S REPLIES *to the* QUESTIONS *regarding Trial by Juries of Natives.*

Answers of the Second Judge of the Sudder Adawlut to Queries.

THE views I entertain in favour of the trial of criminal cases by juries composed of natives of this country, differ so widely from those of my colleagues, that I have been led to pause before submitting my answers to the questions referred to us on this subject by Government, under an apprehension that I had formed hasty opinions. The time that has elapsed since receipt of the reference has not been unemployed; I have reconsidered the matter in every way, and being aided by the result of inquiries among intelligent natives, likely best to assist me, I now find my sentiments in favour of the proposition to be much strengthened, and submit such as they are, in the conscientious discharge of an important duty to the public and to Government.

Question.

Answers of the Second Judge of the Sudder Adawlut to Queries.

Trial by Jury.

Question.	*Answer.*
1st. What would, in your opinion, be the general effects of appointing judicial assessors, or jurymen, from among the natives, for the purpose of assisting in the trial of criminal cases?	1st. The distinction noticed by the Chief Judge between a judicial assessor and juryman appears to be obvious: the first being simply to advise and direct judges in matters of law; while the duty of the latter is to inquire of, and try facts, and declare the truth on evidence adduced, and it is with the latter only we have to do.

The introduction of trial by jury in criminal cases would be attended with the best effects; and the advantages of the measure over what is now in force appear to me to be as follows:

At present the Judge on the bench has the sole conduct of a trial, from the time a criminal is put to the bar to the period of acquittal or conviction; he may be said to prosecute, investigate, and determine the fact of each case, without any assistance. The natives are sharp-sighted, and perfectly able to appreciate the qualifications of the Judge for the important task he performs; they do not fail to spy out and criticize any part of his conduct that does not coincide with what they have seen in others on the same bench: consequently apparent errors or omissions, which may occasionally proceed from different views taken by individual Judges, may produce in their minds ideas of irregularity in the administration of justice, that in some degree must tend to diminish the reverence with which they ought to view the decisions of courts. This would be eradicated, and the respectability of the bench also better upheld, if impressions which might emanate from the above causes were removed from the presiding Judge to a jury of their own countrymen, in which case it would doubtless become much weakened from the number of persons required to give in a verdict.

I think, in general, criminals would much rather trust to their chance under the present system, than have their cases brought before a jury of their own countrymen, who are better acquainted with the habits and customs, and to whom the evidence of witnesses could never be doubtful; jurors would also be better able to appreciate the characters of prisoners than a single Judge.

Further, the introduction of trial by jury will tend to disseminate more widely a knowledge of the constitution that governs the country, which it is so desirable to inculcate, particularly in as far as regards the administration of justice. Jurors will carry with them a complete knowledge of the trials in which they may be engaged, and by discussing them with others, will give the public an interest in these matters that no other measure is likely to excite with such advantages. The weight of the opinions of men thus employed would also, it is to be looked for, have much effect on the conduct of others, by rendering them more circumspect; the feeling also that will be produced, by not knowing before whom they may be brought to trial from among their own countrymen, will not be without its advantages, and will find its way into every gradation of society.

2d. Would the evil effects, if any, which you apprehend might result from them, be likely in the course of time to diminish, or the reverse?	2d. I can anticipate no evil effects from the introduction of juries, save what may arise from the acknowledged want of integrity in the native character, which is to be considered as the only obstacle; in all other points no exception could be taken to them, as they are shrewd and intelligent, with the power of discriminating between right and wrong, which, by the bye, is often practised in their caste disputes. Their grand moral defect, however, can hardly be called into action, unless from interested motives; and although individually to be suspected open to corruption, yet it would be too much to suppose of any

Answers of the Second Judge of the Sudder Adawlut to Queries.

Trial by Jury.

Answer.

any community in the world, however bad, that the number of men required to form a jury promiscuously chosen, and acting under proper restrictions in the view of the public, would, from vicious motives alone, give a favourable verdict, or the reverse. I am aware that in punchayets, or arbitrations of matters of a civil description, the natives do not place confidence in each other; and, when they do, hardly ever fail to regret it. Independent, however, of the result of bias from corrupt motives, this regret often arises from unfounded suspicions, and a feeling that they might have got better off from decisions of the established courts; but, whenever corruption takes place, it should be recollected that the parties have always ample opportunity of practising on the members who have been selected by themselves, and who retire and decide on the cases in private, without an observant eye over them.

I confess I feel warmly in favour of juries, as I think time will remove the evil effects adverted to; and even do more: it will in all likelihood prove the engine, assisted by sound education, of improving the character of the people generally for integrity, and give them settled notions of rectitude, that are at present too loose.

Question.

3d. Would the measure be agreeable to the natives?

Answer.

3d. The introduction of the measure proposed cannot fail to be agreeable to the public, as far as my information goes; but as no institution of this description has ever existed in this country, it is impossible to speak positively before-hand. If the selection of jurors is made on proper principles, with every attention to respectability and integrity of character, it will be looked on by individuals as a distinction to be enrolled among them.

4th. Would it not have the effect of increasing the confidence of the natives in our administration of criminal justice, by gradually making them better acquainted with the principles on which it is conducted?

4th. This question need not be dwelt on, as a reply to it may be drawn from my answer to the first; it is unnecessary therefore to say more than that the plan proposed will most certainly have the effect of increasing the confidence of the natives in our administration of criminal justice, by rendring them better acquainted with the principles on which it is conducted.

5th. Would it not tend gradually to interest them more in the police administration of the country, and the punishment of offenders?

5th. By the introduction of juries a much greater body of men would be employed in the administration of criminal justice than is now the case, and more interest would in consequence be generally excited; but in regard to the police of the country, every interest is now taken that can be looked for, as the branch of the criminal administration is in the hands of the immediate servants of Government: upon the state therefore principally depends its efficiency. Individuals, when injured, exert themselves from motives of self-interest, and a laudable desire to see punishment follow crime, equally as in all other countries; but the community cannot, as a body, be said to do so.

6th. The sentences of our criminal courts are understood, in too many instances, to be regarded with great indifference by the community, and considered to affect little the character of the offender: would not the verdicts of the juries have a tendency to remove this evil, and to make the natives view the convicted criminal as a person most seriously and justly degraded?

6th. The severity, or otherwise, of sentences is generally commented on by the community, and particular cases, as elsewhere, attract attention from local interest or extraordinary circumstances. I have not unfrequently seen extreme interest excited on passing sentence, and cannot say that I have ever observed indifference. A man's character suffers in public estimation, as in our own country, according to the degree of criminality proved;

Answer.

Answers of the Second Judge of the Sudder Adawlut to Queries.

Trial by Jury.

proved; reproach always succeeds conviction, on any charge whatever, and let the wealth or consequence of a man in the world be what it may, the stain adheres as long as life endures. The public in India appreciate character as much as could be looked for, and although they may be supposed to possess apathy in regard to the fate of others, they cannot most certainly be declared indifferent to our sentences, as far as the benefit of example must be acknowledged to have effect, and this is most satisfactorily exemplified in the reduction of crime of late years. How often do we hear, in our civil courts, objections taken to witnesses, on the ground of having been at any period in the hands of the police; and how frequently are persons reproached from the simple fact of charge having been instituted, whether conviction followed or not. The introduction of juries will assuredly tend, in a much greater measure than even now, to make the natives view convicted criminals as persons most seriously and justly degraded, although; as a body, they now, as has just been observed, feel this fully. It must be acknowledged that individual instances could be shewn where, from particular causes, culprits have been countenanced by men of consideration in the world: but this is rare, and it is to be hoped would be entirely remedied by the verdicts of juries. One great preventive of crime among the higher orders is the degradation felt at being compelled to stand a public trial: greater repugnance can be no where more felt. On doubtful charges, or such as not much affect character, a man of consideration is generally not put to the bar as common criminals, but has a place assigned inside the bar. The degradation of being put regularly to it, during trial, where murderers and robbers stand, is exceedingly great; and on conviction, on charges affecting character, the mere act of placing them at the bar to receive judgment is felt as no slight enhancement of the punishment awarded.

Question.

7th. What would be the best mode, in your opinion, of constituting a native jury, with the view particularly of guarding against prejudices arising from caste, either against the prisoner or in his favour?

Answer.

7th. The mode of constituting juries is to be considered as the main spring of the system, and if not established under particular precautions, will defeat every advantage that might be anticipated from the measure. The restrictions must aim at the removal of all danger that might arise from the proneness of natives to bias, and the more serious charge of corruption; it is therefore suggested that the following plan be observed, to which I have added some reasons for each proposition.

1. Juries shall be formed of persons of all religions promiscuously, Hindoo, Mahomedan, Parsee, or Christian; but of course no person should be chosen of so low a tribe from whose presence a Hindoo would feel contamination. Persons from town and country should be mixed on juries; and the best in repute for integrity, intelligence, and consideration in the world, should form the standard of qualification. My reasons for the proposition are, that promiscuous selection of individuals from the various tribes forming the population of the country, will have the effect of providing juries on a principle that will obviate the danger of their being swayed by previous bias, for or against a prisoner, and will consequently ensure a much fairer trial than if confined to caste, or any more circumscribed mode of selection. I have no doubt, when the introduction of juries becomes known, natives of credit and reputation, as has already been observed, will feel a degree of pride in being selected, and consider it a distinction to be enrolled as jurors.

2. A book should be prepared in each zillah, containing the names of a sufficient number of persons qualified to serve on juries. This book should be kept by the Criminal Judge, and every fourth or fifth year reformed. It is necessary to select proper persons, and have their names recorded. Probably it would be well to enroll at least two

Answers of the Second Judge of the Sudder Adawlut to Queries.

Trial by Jury.

Answer.

thousand in each zillah, so that the same person may not be returned to serve on juries for four or five years: this would bear lightly on the more respectable classes, who might not be inclined to afford their services very frequently.

3. Selections should be made to the extent of ninety-five jurors for each session, and fines imposed for non-attendance. The mode of returning jurors is also of moment; it could be by numerical succession as their names occurred, without an opening to parties accused of tampering with them. When the Criminal Judge has ascertained the exact date on which a session is to be opened, a few days before, assisted by the Senior Assistant Criminal Judge and the Foujdarry officers of the court, he should put into a balloting box five or six hundred names, and draw from thence ninety-five jurors for the time, and they should then be summoned to attend at the Adawlut on the day fixed, the Criminal Judge and his Assistant authenticating the certification of the names returned, to be laid before the Judge.

4. On each case being called on, the presiding Judge shall draw fifteen names to form a jury from the whole number, to be placed in a balloting box. The number fifteen has been selected after the fashion of juries in Scotland, where unanimity is not required to constitute a verdict, a plurality of voices should carry; as it would be quite impossible to look for unanimity, it is therefore more suitable to have fifteen jurors than twelve, the first giving eight voices to form a majority.

5. From the time of being empanelled under the solemnity of an oath, no intercourse shall be allowed with any description of persons until verdict has been given in. Cushions should be placed for the jury in a particular part of the court-room contiguous to an adjoining room, and distant from the public. Every guard should be made use of that tends to diminish the chance of opportunity for corruption; and the providing of proper places for the jurors, according to the fashion of the country, will contribute much to the respectability of the institution. Every thing like English jury-boxes should be avoided, as natives have an aversion to such things, from conveying to their minds ideas of ignominious restraint.

6. Whenever it may appear to the presiding Judge that the conviction of a prisoner by the verdict of a jury is obviously contrary to the evidence adduced on the trial, the jury shall be required to revise their verdict; and if still erroneous, the Judge shall suspend proceedings, and after recording his reasons refer the case for the consideration of the Sudder Foujdarry Adawlut: but a verdict of acquittal should not be touched on any account whatever. The answer to the twelfth query will apply in further elucidation of this proposition.

7. Special juries should be appointed whenever the cases to be tried are of too great nicety for ordinary understandings, and the rules under which they are empanelled in England might be adopted. Upon this no remark appears to be necessary.

8. A challenge of jurors might be allowed, on cause shewn that a man has been convicted of felony, or any infamous crime, or that he is partial; but no peremptory challenge should be allowed. Unless for good cause shewn to the satisfaction of the court, no challenge of a juror should stand; indeed, it would be highly disgusting to a respectable native to be cast out by peremptory challenge, and act as the means of preventing their cordial attendance as jurors.

9. Trials before Criminal Judges should also be by juries, in cases involving punishment beyond six months' imprisonment. All cases involving superior punishment should be prepared and brought forward on the first days of every month; this is the only proper mode of arrangement that appears suitable, and will prevent the trouble of empanneling juries, whenever a case occurs.

10. General

Answers of the Second Judge of the Sudder Adawlut to Queries.

Trial by Jury.

Answer.

10. General rules of evidence should also be laid down, to meet the change now contemplated.

11. Considering the nature of our Government in this country, it appears to me that crimes against the state should not be referred for the decision of juries, but, as at present, be tried by special courts, consisting of three European Judges.

Question.

8th. What degree of power would you recommend to be intrusted to juries on the commencement of the plan, if it should be adopted?

Answer.

8th. An answer to this question may be drawn from the reply to the last. The institution being entirely new, there is great advantage to be anticipated from its being placed at once on the best footing, and there is no apparent obstacle to prevent it, that I am aware of.

9th. Would it be possible, and if so would it be desirable, in your opinion, that jurymen should be appointed from all castes of Hindoos, and sit indiscriminately?

10th. If not, what castes would in your opinion be eligible for this service?

11th. Would it in any case be practicable to place Mahomedans and Hindoos on the same jury, and would it be desirable to do so?

9th, 10th, and 11th. These questions have been answered in the reply to the seventh query.

12th. If upon the whole the appointment of jurymen should appear to you to be likely to be attended with advantage, would the following mode of employing them accord with your sentiments, or would you recommend any material alteration? The Judge, after the evidence on both sides had been heard, to sum up the case, and remark upon the evidence adduced; the jury to deliver their verdict, with an explanation of the grounds of it, stating particularly their reasons for believing or disbelieving evidence, where that belief or disbelief has occasioned their verdict. The Judge on receiving the verdict, if his own sentiments coincided with it, to pronounce sentence accordingly; if they differed from it, to refer the case with his opinion to the Sudder Adawlut.

12th. It is material here to state, that in each case there should be a person to conduct the prosecution, which is now hardly ever done; in consequence there should be a public prosecutor, acting under the direction of the Criminal Judge. Depositions should, as now, be committed to writing on all trials, and then, as proposed, after the evidence on both sides has been gone through, the Judge should sum up the case, and remark upon the evidence adduced; and the jury thereafter should deliver in a written verdict, declaring the exact nature of guilt proved, but without entering into explanation of the grounds, or giving any reasons for the verdict. The Judge is then, if he does not consider it contrary to the evidence, to adopt the verdict, and proceed to pass judgment; but if he differs, he shall demand an explanation from the jury of the grounds of their verdict in the terms proposed, which shall accompany the case to the Sudder Foujdarry Adawlut, if ultimately referred; and further, it shall be at the option of the Judge, when he thinks proper, to demand the reasons for a verdict in any case.

In clear cases it would only be a waste of time to call on juries for a detailed opinion; but as a wholesome check over them, the Judge should have the power to make the call. Of course, referring a case to the Sudder Foujdarry Adawlut should be only when the strongest grounds exist, as otherwise this check will go too far, and tend to bring verdicts into disrepute; it should therefore be exercised with very great delicacy.

13th.

Answers of the Second Judge of the Sudder Adawlut to Queries.

Trial by Jury.

Question.	*Answer.*
13th. Does any thing occur to you relative to the mode of constituting juries; the powers which should be intrusted to them; the tendency of the measure; and generally its practicability and advisability, or the reverse, which is not particularly borne upon or comprehended in the foregoing questions? If so, state your sentiments at large.	13th. I have nothing to add to the above, in submitting my views of the practicability of introducing trial by native juries; save sincerely to wish the measure every success if carried into effect, and to promise my cordial endeavours to assist in my vocation, in every way that lies in my power.

Before closing my Minute, I may be permitted to add, that should the fundamental change now proposed take place in the constitution now administered in the country, it will, in my opinion, be proper to do away with the sittings of the law officers, both Hindoo and Mahomedan, that at present form part of courts of general jail delivery, as well as the Sudder Foujdarry Adawlut, in high criminal cases, acting in capacity of assessors; and substitute for their exposition of the law of the party, one general set of penal laws, applicable to every description of persons. We should thus get rid of many perplexing points that sometimes occur, particularly of Mahomedan law. The whole system at present pursued proves to be so anomalous, that were it not for the trial of the fact by the presiding Judge, and the commutation prescribed by the regulations in his hands, which entirely alters the principle of each, with a semblance, however, of conformance, the equality in the administration of justice could hardly be preserved to all descriptions of persons. The means had recourse to, to produce uniformity in the three several codes by which we profess to administer justice (English, Hindoo, and Mahomedan), is to be admired for having so happily, as it has done, effected its object; but the entire fabric is unseemly, and would ill accord with the purity of trial by jury. In fact, the policy which led to the arrangement will not require that it should be kept up, because the objects in view will still be retained with greater advantage to the community, *viz.* of employing natives on their trials. There are few peculiarities in the criminal code of each sect that would prove any obstacle to the introduction of an entire new penal code; and from our practice already deviating so much from their own particular modes of punishment, a change of this nature would not be felt if coming at the same time with trial by jury.

(Signed) JAMES SUTHERLAND,
Second Judge.

Surat,
27th September 1822.

REPLIES *by the* THIRD JUDGE.

Answers of the Third Judge of the Sudder Adawlut to Queries.

I have maturely reflected on this reference, and after bestowing upon it that consideration which the important nature of the queries demanded, feel little hesitation in declaring my opinion to be hostile to the introduction under this presidency of trial by jury, as being in every respect unsuited to the genius, habits, and feelings of the people; and from an apprehension that, so far from the ends of justice being attained, as is now almost universally the case under our own existing system, the very reverse is to be anticipated in the administration of criminal justice, were so novel and hazardous a measure to be ultimately adopted.

With the above observation I beg leave forthwith to add, that coinciding in the replies drawn up by the Chief Judge, I have deemed it superfluous to submit others, which would only have conveyed similar sentiments, though differing in style and language.

(Signed) EDWARD IRONSIDE,
Third Judge.

Answers of the Fourth Judge of the Sudder Adawlut to Queries.

Trial by Jury.

FOURTH JUDGE'S REPLIES *to the* QUESTIONS *regarding Trials by Juries of Natives.*

Question. — *Answer.*

1st. What would, in your opinion, be the general effects of appointing judicial assessors or jurymen, from among the natives, for the purpose of assisting in the trial of criminal cases?

1st. The general effects would be a total want of discrimination as well as impartiality in verdicts.

2d. Would the evil effects, if any, which you apprehend might result from them, be likely in the course of time to diminish, or the reverse?

2d. The evils would always remain the same as at the commencement; at least until the minds of Indians should undergo an entire change. These evils would not increase, for they would at first exist in the greatest possible degree; and they would not decrease until the possible event just stated should take place.

3d. Would the measure be agreeable to the natives?

3d. The natives would like the employment if it were accompanied with salary, but on no other principle. As for the opinion of those who were only concerned in the general effects of the principle, they would be strongly averse to the measure, considering it as an abandonment of justice, and a proof that the legislature was indifferent to their welfare.

4th. Would it not have the effect of increasing the confidence of the natives in our administration of criminal justice, by gradually rendering them better acquainted with the principles on which it is conducted?

4th. The proposed system would, instead of rendering natives better acquained with the principles of our administration, rather puzzle them. The principles of the present system of criminal administration are as well understood as possible; they are indeed perfectly simple. But it is loss of labour to attempt rendering principles intelligible to natives, there is no part of their intellects suited to abstraction.

5th. Would it not tend gradually to interest them more in the police administration of the country and the punishment of offenders?

5th. Answered above

6th. The sentences of our criminal courts are understood in too many instances to be regarded with great indifference by the community, and considered to affect but little the character of the offender; would not the verdicts of juries have a tendency to remove this evil, and to make the natives view the convicted criminal as a person most seriously and justly degraded?

6th. Answered above.

7th. What would be the best mode, in your opinion, of constituting a native jury, with the view particularly of guarding against prejudices arising from caste, either against the prisoner or in his favour?

7th. However paradoxical it may appear, my opinion is that if juries were to be adopted, the fittest persons to discharge the duties would be the least civilized and most ignorant; these of course would be of the lowest caste. They are not deficient in shrewdness, and their habits have not produced so great a degree of habitual involuntary partiality towards various classes, acts, sentiments, &c., as exists in those whose minds have been more practised. But neither the ignorant nor cultivated minds possess any qualities to render them eligible to decide on any degree of guilt whatever.

8th. What degree of power would you recommend to be intrusted to juries, on the commencement of the plan, if it should be adopted?

8th. Answered above.

Answers of the Fourth Judge of the Sudder Adawlut to Queries.

Trial by Jury.

Question.	*Answer.*
9th. Would it be possible, and if so, would it be desirable, in your opinion, that jurymen should be appointed from all castes of Hindoos and sit indiscriminately?	9th. Answered in the reply to the 7th Query, except as to the possibility against which there is no objection.
10th. If not, what caste would, in your opinion, be eligible for this service?	10th. Answered in the preceding.
11th. Would it in any case be practicable to place Mahomedans and Hindoos on the same jury, and would it be advisable to do so?	11th. Answered in the reply to the 9th Query, and 7th ditto.
12th. If, upon the whole, the appointment of jurymen should appear to you to be likely to be attended with advantage, would the following mode of employing them accord with your sentiments, or would you recommend any material alteration? The Judge, after the evidence on both sides had been heard, to sum up the case and remark upon the evidence adduced; the jury to deliver their verdict with an explanation of the grounds of it, stating particularly their reasons for believing or disbelieving evidence, where that belief or disbelief has occasioned their verdict. The Judge on receiving the verdict, if his own sentiments coincided with it, to pronounce sentence accordingly; if they differed from it, to refer the case, with his opinion, to the Sudder Adawlut.	(No answer.)
13th. Does any thing occur to you relative to the mode of constituting juries, the power which should be intrusted to them, the tendency of the measure, and generally its practicability and advisability or the reverse, which is not particularly borne upon or comprehended in the foregoing questions; if so, state your sentiments at large.	13th. Nothing occurs in addition to the above, except amplification of the points alluded to, which is hardly required.

(Signed) THOS. BARNARD,
Fourth Judge.

CRIMINAL JUDGE *in the* NORTHERN CONCAN *to the* SECRETARY *to* GOVERNMENT.

Dated the 10th October 1822.

Mr. Baillie's Answers to Queries, 10 Oct. 1822.

SIR:

I have the honour to acknowledge the receipt of your letter of the 13th August last, with its inclosure; and having given the subject the fullest consideration, am of opinion that the introduction of the trial by jury among the native population is a system which never can be introduced either with effect or advantage.

From the superior confidence the generality of natives place in Europeans over their own different castes, which I think is clearly exhibited by the few civil suits which are willingly referred to arbitration, and by the great stand on the part of suitors to obtain a decision from the covenanted servants exercising judicial authority, it is a decided proof in my mind, that not only the prisoners at the time, but the population of this side of India, would much sooner have their trial investigated by a European Judge, unassisted by any natives whatever, than have it submitted to a native jury, even with the knowledge that those who compose it are the most respectable men that can be selected.

The apathy and want of energy in most natives are so great, and the little interest that they take in any thing but what actually concerns themselves is so observable,

observable, that I think the very circumstance of their being liable to serve on a jury, instead of being looked upon as an advantage, and as securing to them (if not abused) an impartial decision, would by them be viewed as a hardship, and an act of oppression; for even as witnesses, it is compulsion alone which can bring them forward, and it would therefore appear to them additional severity to be obliged to sit on the same business for days and days together without remuneration; and I very much doubt whether the attention of the members of the jury would be fixed to the points under examination unless actuated by private and improper motives.

Mr. Baillie's Answers to Queries, 10 Oct. 1822.

Trial by Jury.

It certainly does not appear to me that the business would be better done in any way by the introduction of the proposed system; nor can I imagine that any interest will be felt or taken by the native jury, in consequence of their being called upon to take a share in the proceedings, unless they voluntarily came forward, which I doubt much will ever be the case. I think the confidence of the natives would much more likely be shaken than strengthened by its adoption; and I do not consider it as probable that any sentence or disgrace passed on individuals, whether on the verdict of the jury or otherwise, will be viewed in a different light from what they now are, so long as apathy, ignorance and immorality exist to the pitch they do at present among so great a proportion of the native inhabitants of this country.

I have, &c. &c.

(Signed) E. BAILLIE,
Criminal Judge.

JUDGE OF KAIRA *to* MR. SECRETARY HENDERSON.

Dated the 1st November 1822.

SIR:

Enclosed I have the honour to forward replies to the queries which accompanied your letter to my address of the 13th August last.

Mr. De Vitre's Answers to Queries, 1 Nov. 1822.

I have, &c.

(Signed) J. D. DE VITRE,
Judge.

Question.	*Answer.*
1st. What would, in your opinion, be the general effects of appointing judicial assessors or jurymen from among the natives, for the purpose of assisting in the trial of criminal cases?	1st. I conceive that, instead of assisting, they would very seriously impede the trial of criminal cases; and that in various ways, from their deplorable deficiency in integrity of character, such a mode of trial would be highly objectionable.
2d. Would the evil effects, if any, which you apprehend might result from them, be likely in the course of time to diminish, or the reverse?	2d. I think that, instead of diminishing, the evils of such a practice would increase.
3d. Would the measure be agreeable to the natives?	3d. It is not at all required by them, and would, I think, be far from agreeable.
4th. Would it not have the effect of increasing the confidence of the natives in our administration of criminal justice, by gradually rendering them better acquainted with the principles on which it is conducted?	4th. I doubt much whether it would have this effect.
5th. Would it not tend gradually to interest them more in the police administration of the country and the punishment of offenders?	5th. I do not think it would.

6th.

Mr. De Vitre's Answers to Queries, 1 Nov. 1822.

Trial by Jury.

Question.

6th. The sentences of our criminal courts are understood in too many instances to be regarded with great indifference by the community, and considered to affect but little the character of the offender: would not the verdicts of juries have a tendency to remove this evil, and to make the natives view the convicted criminal as a person most seriously and justly degraded?

Answer.

6th. I do not think the verdicts of juries would at all have the effect herein contemplated.

7th. What would be the best mode, in your opinion, of constituting a native jury, with the view particularly of guarding against prejudices arising from castes, either against the prisoner or in his favour?

7th. Upon the principle that every man is to be tried by his equals, natives should be tried by their respective castes, none of whom would ever convict one of their own body; and there are so many religious and other strong objections to persons of different castes acting together, especially on a duty of the description herein required, that I conceive it next to impossible to form a jury so as to be at all efficient.

8th. What degree of power would you recommend to be entrusted to juries on the commencement of the plan, if it should be adopted?

8th. Should the plan be adopted, I conceive that, at first, the more limited their power the better; in fact, they ought for a long time to be nothing more than spectators of the proceedings of court.

9th. Would it be possible, and if so would it be desirable, in your opinion, that jurymen should be appointed from all castes of Hindoos, and sit indiscriminately?

9th. It certainly would not be impossible merely to appoint them, but as to the desirability of such a measure, I conceive it extremely doubtful.

10th. If not, what castes would, in your opinion, be eligible for this service?

10th. I do not see how juries could be efficiently formed of persons of different castes, and I have already stated my objections to their being all of one caste.

11th. Would it in any case be practicable to place Mahomedans and Hindoos on the same jury, and would it be desirable to do so?

11th. Not efficiently.

12th. If, upon the whole, the appointment of jurymen should appear to you to be likely to be attended with advantage, would the following mode of employing them accord with your sentiments, or would you recommend any material alteration? The Judge, after the evidence on both sides had been heard, to sum up the case, and remark upon the evidence adduced; the jury to deliver their verdict, with an explanation of the grounds of it; stating particularly their reasons for believing evidence, where that belief or disbelief has occasioned their verdict. The Judge, on receiving the verdict, if his own sentiments coincided with it, to pronounce sentence accordingly; if they differed from it, to refer the case, with his opinion, to the Sudder Adawlut.

11th. So far from being attended with advantage, I think it would be replete with evil consequences; and therefore instead of recommending any alteration, I would strongly urge no deviation from the present practice, which needs not a better reason in its behalf for being abided by, than that it is found quite adequate to all the objects for which it is intended.

13th. Does any thing occur to you relative to the mode of constituting juries; the powers which should be intrusted to them; the tendency of the measure, and generally its practicability and advisability, or the reverse,

13th. I think it neither practicable that juries can be efficiently introduced, nor advisable that the attempt should be made. Castes and divisions in castes are of themselves almost insuperable objections to the practice ever

Mr. De Vitre's Answers to Queries, 1 Nov. 1822.

Trial by Jury.

Question.	*Answer.*
verse, which is not particularly borne upon or comprehended in the foregoing questions? If so, state your sentiments at large.	ever being introduced with good effect; there are, besides, religious feelings and prejudices of many descriptions to be taken into consideration, all operating unfavourably to the introduction of

such a mode of trial, to say nothing of the notoriously woeful ignorance and deficiency in integrity of character in the people generally. In short, the duties of jurymen appear to me to be far beyond the comprehension and character of the natives, as possessing none of those benefits of education, independence, or integrity of character, or enlightened or liberal ideas, so essentially requisite in persons filling such responsible situations; and as there is no urgent necessity for the introduction of such a mode of trial, either from the inadequacy of the present system, or other equally forcible reason that I am aware of, I cannot help thinking that, under all circumstances, it would be unwise to abandon the existing for any speculative plan, of the description of that now contemplated.

(Signed) J. D. DE VITRE,
Judge and Criminal Judge.

SECRETARY *to the* PRESIDENT *to the* CHIEF SECRETARY *to* GOVERNMENT,

Dated the 8th November 1822.

SIR:

I have the honour to acknowledge the receipt of your letter of the 12th of September last, forwarding one from the Deputy Secretary to His Majesty's Government of Ceylon, with its enclosure, relative to the introduction of juries consisting of natives for the trial of criminal offences on that island. Mr. F. Warden, 8 Nov. 1822.

The Honourable the Governor in Council requests that the enclosed correspondence, enumerated in the margin,* from the Commissioner in the Deccan, be sent to the Regulation Committee.

I have, &c.

(Signed) F. WARDEN,
Secretary to the Honourable Governor.

COMMISSIONER *in the* DECCAN *to the* CHIEF SECRETARY *to* GOVERNMENT,

Dated the 19th October 1822.

SIR:

I have the honour to furnish, in conformity with the directions contained in Mr. Secretary Henderson's letter of the 13th August, the answers of the several authorities in the Deccan to the queries that were put to them on the subject of criminal juries; together with the replies of Captains Grant and Briggs to the separate queries respecting criminal punchayets, conveyed in Mr. Henderson's letter of the 8th July. Mr. Chaplin, 19 Oct. 1822.

2. I am of opinion, from all the inquiries I can make, that the institution of criminal juries would be an innovation not sanctioned by former practice; that they never have existed under the Native Government in the Deccan, and that nothing resembling the institution has ever been introduced, unless it be the custom, which was not unfrequently followed, of referring for the examination and report of a few intelligent servants or officers of the Government, difficult

* Captain Robertson's letter, dated 30th August 1822; Mr. Thackeray's ditto, dated 8th September 1822; Captain Pottinger's ditto, dated 24th September 1822; Captain Briggs' ditto, dated 23d September 1822; and Captain Grant's ditto, dated 1st October 1822.

Mr. Chaplin, 19 Oct. 1822.

difficult or intricate criminal cases, in which, from the want of positive proofs, a doubt existed of the guilt or innocence of the accused persons.

Trial by Jury.

3. Independent of the consideration that criminal juries are novel, there are many solid objections to their employment, which are noticed in sufficient detail in the enclosed replies. The intermixture of castes, though not an insurmountable obstacle, would in my opinion be a great bar to their general utility. It would often be extremely inconvenient; would in many cases lead to wrongous and partial decisions; and as the duty would fall heavy on individuals, it would tend to increase the difficulty, already great, of collecting members of punchayets on civil cases.

4. Until the experiment be tried, it must be mere matter of opinion whether the use of criminal juries would be followed by any of the advantages anticipated; but I am much disposed to think that the reverse would be the consequence of employing them.

5. Criminal cases, however, sometimes occur, involving intricate circumstantial details, without confession or direct testimony, in which a reference to a respectable jury of natives would no doubt often have the effect of eliciting the truth, which would otherwise remain concealed from the less penetrating eye of the European Magistrate, who is so much less able than the natives themselves to appreciate the value of native evidence. In such cases, the magisterial proceedings would often enable the Judge to decide before trial whether they would be fit subjects for reference to a native jury, which he might be empowered to summon at his discretion, whenever he thought it necessary. If their verdict were in favour of the accused, he ought under such circumstances to have the advantage of it, even though it might not entirely accord with the ideas of the presiding Judge. I concur, however, with the opinion generally expressed, that the Jury should be left to form their own judgment, without any charge from the Judge; because his sentiments in a majority of cases would be obsequiously adopted by the jurymen.

I have, &c.

(Signed) WM. CHAPLIN,
Commissioner.

H. D. ROBERTSON, Esq. *to* WM. CHAPLIN, Esq.,
Dated the 30th August 1822.

Mr. H. D Robertson's Replies to Queries, 30 Aug. 1822.

SIR:

I have the honour to acknowledge the receipt of your letter dated the 25th instant, and to submit replies to the queries accompanying it. Mr. Borrodaile intends to inquire and report on these questions at his first leisure, if he ever has any.

I have, &c.

(Signed) H. D. ROBERTSON,
Principal Collector.

1st. The general effect of appointing native judicial assessors in criminal cases might, in my opinion, be to excite an interest in the people on subjects which they at present view with considerable apathy and indifference, and also (I should suppose), when the nature of the duty was fully understood, to impress the people with a high opinion of the humane principles of our justice.

2d. I should suppose that any evils attending the introduction of the system would diminish, instead of increase, unless the carelessness of the judicial functionaries should occasion a contrary result.

3d. The measure might be thought strange, and be much talked of, but I do not believe that if it were not agreeable, it would be highly disagreeable.

4th and 5th. I have answered these questions in the affirmative in reply to the first query.

6th.

Mr. H. D. Robertson's Replies to Queries, 30 Aug. 1822.

Trial by Jury.

6th. I do not think the natives would view a person convicted by an English Judge as less entitled to their abhorrence than if convicted by their own countrymen. The novelty of the latter system would excite their attention; but in respect to the degree of infamy, I question whether, when they at all give their attention to such subjects, their opinion of the degradation of the convict would be enhanced from his conviction with the aid of a jury. The reliance of the people on the clear judgment of Europeans is fully seen in civil suits. I receive a greater number of appeals against the comparatively few decisions of punchayets, than against decrees awarded by other judicial instruments. This, however, should not be received as a criterion for judging of the feeling of the people in regard to criminal assessors, who, as they should have no means of becoming corrupt, by being allowed to converse except amongst themselves, before they produced their award, would probably establish for themselves a better name and character than the punchayets on civil causes have done.

7th. I think a native jury should, from the first, be composed of intelligent and respectable men of all castes, who at other times associate so far as to sit on carpets in the company of each other. These are Brahmins, Rajpoots, Banians who are Jains, and other Banians; Mahrattas, and Koonbee Mahomedans; Parsees, Fringhees, &c. If the jury was composed entirely of men of the prisoner's caste, the ignorance or partiality of the jurymen might defeat the end of the institution; and if juries were once introduced with such a distinction, it would be impossible to correct the error, if it should be found to be one, without an unpopular alteration; while, if no distinction of caste existed in the first trial, a correction, by making one, would be rather palatable than the contrary. The Brahmins might not relish being tried by other castes than their own: to make them an exception however to the general rule, would be tantamount to the re-establishment to their body of many exceptions from punishment for very heinous offences. Many acts for which Shooders would be condemned to be transported beyond seas, might be awarded by a Brahmin jury to be inoffensive and meritorious, if committed by the holy hands of a Brahmin. The jury might be composed of fifteen members, who should be liable to be challenged by the prisoner, on account of real or probable enmity. The members ought to be sworn to decide according to the best of their judgment. A decree of guilt should have ten, or a majority of two-thirds of the jury, to render it worthy of being acted upon. Four jurymen should be of the caste of the prisoner, but no greater number than four should be allowed, and no fewer if four is to be found. The jury should not be permitted, pending or after a trial, to separate until their verdict is pronounced; if they were, the practice would be attended with evil effects, and render the employment of juries dangerous to the cause of truth and justice. This essential observance should be enforced from the commencement of the plan: its inconvenience would be the subject of an objection, if it were wished to introduce it subsequently, while the curiosity excited by the novelty of juries might render it less obnoxious at first. In fact, if this is not made a fundamental article in the scheme, I recommend that the idea of introducing juries should be immediately abandoned.

8th. I should recommend that juries should have the power of deciding on the guilt or innocence of the person tried, *on the first introduction* of the plan. If their verdict was unanimously found, it should be rendered binding on the Judge. If a majority of two-thirds only found a verdict of guilty, the Judge should be at liberty to acquit; but if two-thirds of the jurymen pronounced the prisoner not guilty, the Judge should be bound by the verdict. If there was a majority of less than two-thirds in rendering a verdict of not guilty, it should not be competent for the Judge to reverse the judgment, or to refer it to a superior tribunal.

9th and 10th. I have answered these questions in reply to the seventh question.

11th. I consider it practicable to place Mahomedans and Hindoos on the same jury; I also recommend their intermixture by all means: but the Brahmins might be flattered by the exclusion when a Brahmin was the culprit, unless the charge was treason or conspiracy.

12th.

Mr. H. D. Robertson's Replies to Queries, 30 Aug. 1822.

Trial by Jury.

12th. I approve entirely of the mode of procedure stated in this question, adapting to it the remarks in my reply to the eighth question.

13th. Nothing of importance occurs to me beyond what I have stated in the foregoing replies. It is not easy to offer good opinions on new plans like this, from the difficulty of judging what prejudices might be set in motion to oppose them. If our Hindoo subjects were usually guided by reason in their views of human affairs, we might arrive at some tolerably accurate conclusion of the light in which any innovation or improvement would be considered and received by them; but we daily observe that their absurd feelings relating to religion and caste give a colour and bias to every consideration and undertaking: all I can say therefore is, that if a trial of juries is attempted, it should be at first introduced, and its effects observed, in some district where there is a less degree of Brahminical influence than there is in Poona, and where our authority has been long enough established to prevent a failure from causes that might have an influence in a new country. At the same time I beg to express my readiness to use my utmost endeavours to render the plan, if ordered to be adopted, successful here; should it be resolved, however, to introduce it at Poona, it might gain greater *éclat*, and meet with little opposition, if the Commissioner or a Judge of Circuit were to take his seat on the bench as Judge. In fact, I think this would be the only, and also a sure way of ensuring its successful introduction.

(Signed) H. D. ROBERTSON.

St. J. THACKERAY, Esq. *to* Wm. CHAPLIN, Esq.,

Dated the 8th September 1822.

Mr. St. John Thackeray's Replies to Queries, 8 Sept. 1822.

Sir:

In reply to the queries that accompanied your letter of the 25th ultimo, I have the honour to state my opinion;

1st. That in the trial of serious criminal cases, when prisoners deny their guilt and there is no direct but much circumstantial evidence against them, the judgment of intelligent natives would be highly beneficial.

2d. I am not aware of any objection to native criminal juries: except

3d. That they have not hitherto been usual here; and that the natives, who are so often taken from their business by their punchayets, would not willingly give their attention to criminal as well as civil matters.

4th. Juries would increase the confidence of the natives in the administration of criminal justice;

5th. And would render sentences popular, if the attendance of jurymen were not made vexatious.

6th. The verdicts of jurymen would render punishments more exemplary.

7th. A panel of eligible persons, having leisure for the duty, might be prepared by the Aumildar, and the Magistrate might select the required number of jurymen, the prisoner being allowed to challenge them.

8th. When there is only circumstantial evidence the Aumildar might report the case, and send the result of his investigation, with a panel of fit persons for a jury. The Magistrate could then refer the case to a native jury near the spot, who performing the part of a grand jury, might decide as to the commitment of the prisoner. After being committed, a second jury might give a verdict in the presence of the Judge on the prisoner.

9th. Jurymen should be taken from all classes of Hindoos, except those which could not mix with them without rendering juries disreputable.

10th. All castes should, I think, be eligible except Pariahs.

11th. Mahomedans should be placed with Hindoos on the same jury when the prisoner is aMahomedan.

12th. If it be thought indispensable to sum up the case before the jury decide, the Pundit, and not the Judge, should perform this duty; but it would be

be better to dispense with it altogether. A word from the Judge would bias the jury, and tend to counteract the advantages that are likely to result from their more intimate acquaintance with the language, the manner, and the behaviour of the prisoner. The jury, without knowing the Judge's or even the Pundit's opinion, should speak to the fact entirely from their own observation and conviction.

Mr. St. John Thackeray's Replies to Queries, 8 Sept. 1822.

Trial by Jury.

13th. To render the duty as little troublesome as possible, I would only propose to appoint criminal juries in cases involving intricate circumstantial evidence, without confession or direct testimony.

I have, &c.

(Signed) ST. J. THACKERAY.

HENRY POTTINGER, Esq. *to* Wm. CHAPLIN, Esq.,
Dated the 24th September 1822.

Sir:

I have the honour to enclose my replies to the queries received with your letter of the 25th ultimo, regarding the introduction of trial by jury.

Mr. H. Pottinger's Replies to Queries, 24 Sept. 1822.

I have, &c.

(Signed) HENRY POTTINGER, Collector.

Question

1st. What would, in your opinion, be the general effects of appointing judicial assessors or jurymen from among the natives for the purpose of assisting in the trial of criminal cases?

Answer.

1st. I am of opinion that it would be an innovation, however well-meant, of which the natives would neither appreciate nor understand the object. In the first place, it would only be by compulsion that jurymen could be assembled; and when they were so, they would be insensible to the importance of the duty entrusted to them, and to the sacredness of the oath which they would of course be obliged to take. They would in some cases be deterred from fulfilling the obligations imposed on them, by prejudices of castes and education, or rather, perhaps, from prejudices imbibed through the want of the latter. In others, they would be apt to turn the authority (for in no other light would they esteem it) thus given to them to their private advantage: they would be further swayed by dread of retaliation on the part of the prisoner's friends, and by private interest made with them, and which no superintendence could possibly prevent. I also fear the opinions of some one or two of the cleverest, and possibly the worst men in the jury, would guide the verdict; and I am persuaded that no native jury which I could form would pay that attention to the evidence and merits of the case that would qualify the members to give an opinion (unless in the most self-evident cases). Indeed I doubt if they would do so at all, till they found out, by some means or other, the inclination of the presiding Judge's sentiments. This last point might, of course, be studiously concealed in many cases; but as it would be the duty of the Judge to ask questions during the trial which might strike him to be necessary to elucidate the case, and as in summing up he would have to dwell on the strong features either for or against the prisoner, the jury would, I apprehend, be liable to guess at his wishes (as they would call them, "*sahabachee murzee*"), and would pronounce accordingly.

To explain my sentiments by examples, I would suppose that a Bheel was put on his trial for a suspected murder of a Brahmin traveller, whose corpse had been found on the highway, near the residence of the Bheels; that there was no direct evidence but circumstances going to shew that the Bheel had been seen near the spot, and that he had no proof to shew he was not the murderer, on this evidence I have no doubt but a native jury would

Mr. H. Pottinger's Replies to Queries, 24 Sept. 1822.

Trial by Jury.

Answer.

would find the man guilty, and yet it is obvious no such conclusion could be justly drawn.

On the subject of the Bheels I had occasion some months ago to write to the Commissioner, and in that report I stated, "that those men "(my Camavisdars and their Assistants), had been accustomed, some from "long habit and some from imbibed prejudices, to esteem the Bheels a "set of desperate and unprincipled marauders, with whom it would be "derogatory to Government, and unbecoming their own individual station, "and even caste, to hold any intercourse, and to whom it was equally "absurd and necessary to preserve any good faith, beyond that dictated "by the exigency of the moment."

This opinion I most conscientiously believe may be generally applied to the feelings and ideas of all classes with regard to the Bheels, and I ask, how we could entrust men with such feelings and ideas to pronounce on the guilt or otherwise of a fellow creature who is deserving of every consideration; for I look on the Bheels, considering their habits, the tyranny, ill-treatment and injustice they have groaned under for many years, and the hatred they must have imbibed against their oppressors, to be the most docile people I have ever had to manage.

I will reverse the case, and suppose a Brahmin is indicted for murdering a Bheel boy who had been employed about his house in menial officers; that it was shewn in evidence the boy had committed a fault; that his master had declared his resolution to punish him, and that he did so in so cruel a manner that the lad died the day after: I firmly believe no native jury would find the Brahmin guilty. If there were Brahmins on the jury, they would agree amongst themselves that a Brahmin should not be punished for the death of a "low wretch," who was only a Bheel; and if the jury was even a mixed one, the awe in which all other castes (excepting perhaps Mussulmans, who have an inveterate rancour towards them) hold the Brahmins, would, I think, induce them to concur in the sentiments of the latter.

Having alluded to the Mussulman feelings towards Brahmins, I may here mention an anecdote forcibly pourtraying how far they would go to be revenged. When I was at Nassick, some time ago, the Kazee of that, and one or two other pergunnahs (an apparently respectable, and very venerable-looking man), came one day with a number of his caste to visit me. After some desultory conversation, he began by detailing the indignities and insults which he and his caste had experienced at the hands of the Brahmins, and certainly they were more than sufficient to make them feel incensed; at last the Kazee said he had a request to make of me, in the name not merely of the Mussulmans of Nassick, but throughout the Deccan. I told him I would willingly grant it if it was admissible; and he then begged my permission to take a cow down to the ghaut, or steps of the great Hindoo temple of Ramjee (usually called Punchwrittee), which is built on the banks of the Godavery, and there to kill the animal, so that its blood might be mingled with the waters of that sacred river. This, said the Kazee, will prove to the Brahmins (Zemindars) that the day of toleration for all religions is arrived, and it will exalt your name as the avenger of our (the Mussulmans) injuries. It is superfluous to say I rejected the Kazee's application, and with at least feigned horror, explained to him our ideas of religious toleration; on which he and his party left me, greatly disappointed.

Sentiments very similar to those I have stated above, have been expressed to me by Mussulmans in all parts of the country, and generally by the better rank of persons. Could we, then, give men, so lost to any feeling but revenge, the power of jurymen? I say, certainly no.

Question.	*Answer.*
2d. Would the evil effect, if any, which you apprehend might result	2d. I think it probable they would rather increase than otherwise, for a time

Mr. H. Pottinger's Replies to Queries, 24 Sept. 1822.

Trial by Jury.

Question.	*Answer.*
from them, be likely in the course of time to diminish, or the reverse?	time at least, because the people would seize the opportunity thus given to them of venting their ill-will and ran-

corous feelings towards each other; and the passions of fear, favour, and affection, would likewise be brought into play.

That a long series of years might work some reformation, I do not intend to deny; but to further this, it would demand the interference and frequent reprehension (in cases of partial verdicts) of the Judge; and how far that would be consistent with our ideas of " the Trial by Jury," is too obvious to require comment. To sum up my opinion in a few words as to this query, I have simply to say, that I do not consider the natives of our new provinces (nor, as far as my knowledge goes, of any part of India) prepared to receive this boon; and I think we must, by the combined effects of example, education, and punishment, teach our subjects some of the good qualities of human nature, before we expect them to fulfil the duties of good members of society.

Perhaps I shall expose myself to censure for the bad opinion I express and entertain with respect to the natives: but in a discussion like this (or indeed any other) candour is indispensable, and I should deceive were I to say any thing in their favour. Bad government always leads to bad subjects in a state, and it is not to be expected that we can remove such evils as I have pointed out, in a few short years, though it is our duty to make allowances for, and to bear with them.

My sentiments include all classes, for I have found very few exceptions indeed, from the nobleman to the lowest outcast, where I could depend on the veracity or honour of a single creature; and such instances of the want of both, in men of every station and persuasion, have come to my knowledge since I have been in the Deccan. But I now make it a rule to believe no one unless their assertions are supported by collateral or direct facts.

3d. Would the measure be agreeable to the natives?	3d. Unquestionably I should say not. The people are as fully persuaded of the vices which pervade the

society they live in as I can be, and would protest, I am certain, against their compeers being placed in judgment on them.

4th. Would it not have the effect of increasing the confidence of the natives in our administration of criminal justice, by gradually rendering them better acquainted with the principles on which it is conducted?	4th. I do not think their confidence in our administration of justice can well be increased, owing to its being so perfect already. It has been often mentioned to me as matter of great astonishment and admiration, that we should acquit and release persons of

whose guilt there are strong suspicions, merely because the charges are not absolutely proved against them. I will venture to assert, that there has not been a convict in the jail of Ahmednuggur, since the establishment of our authority, whose relations (as well as him or herself) have not been internally and fully satisfied of the justness of his or her punishment, although those very relations would (and have in many instances) set forth in petitions the wrong that had been done in the sentence.

If such petitions are drawn up where an English gentleman (who can have no object but to combine justice with mercy) is the Judge, how much more grounds would not the petitioners have to adopt this system, where their own countrymen spoke to the guilt of the prisoner!

Representation of this kind would be, I foresee, just as frequent as the trials. Bribery on behalf of the sufferer (or his relations, in cases of murder) would be asserted. Old family feuds would be adduced as reasons for partial decisions; and, in some cases, truth would be so mingled with falsehood, that the Judge (to whom, of course, such petitions would be referred) might find great difficulty in offering an opinion.

5th.

Mr. H. Pottinger's Replies to Queries, 24 Sept. 1822.

Trial by Jury.

Question.	*Answer.*
5th. Would it not tend gradually to interest them more in the police administration of the country, and the punishment of offenders?	5th. I think not; it would more likely have an opposite effect, for it would subject those who were called jurymen to trouble and inconvenience, and might induce Potails and others to release offenders, rather than be exposed to the chance of being summoned on their trial.
6th. The sentences of our criminal courts are understood, in too many instances, to be regarded with great indifference by the community, and considered to affect but little the character of the offender: would not the verdict of juries have a tendency to remove this evil, and to make the natives view the convicted criminal as a person most seriously and justly degraded?	6th. This is not the fault of the system, but the consequences of the degradation of the public feelings and mind. Let us remove the cause of that degradation, and we shall destroy the root of the evil. This can only, of course, be done in the manner pointed out in the answer to the second query. It appears to me, the verdicts of juries would in no way tend to accelerate the object in view. If the sentence pronounced by an English gentleman, in whose honour, veracity, sense, and discrimination, the natives have the fullest confidence, does not affect in the eyes of those people the character of the offender, what, I would inquire, is to be anticipated from the verdict of a body of men, who are known (or at least considered) to be void of every proper feeling?
7th. What would be the best mode, in your opinion, of constituting a native jury, with the view particularly of guarding against prejudices arising from caste, either against the prisoner or in his favour?	7th. Although the preceding replies will have shewn that I am decidedly against the measure, I still consider it my duty to offer my opinion on this and the subsequent queries. The best mode would be, I think (where castes admitted it), to have one half of the jury of the same caste as the prisoner, and the other half of the caste of the person on whom the crime was perpetrated. Where the prisoners were Bheels, Dails, Maungs, or Ramoossees, this would not however be practicable, because some of those people are considered so low as not to be allowed to take an oath, nor even enter a court of justice where there are Brahmins; and others are looked on as savages, or wild men, the employment of whom in such an affair would render it an object of ridicule and laughter. I am indeed not certain but putting common Mahrattas on juries would have the same effect, and after all we might find ourselves reduced to select from Brahmins and Mussulmans.
8th. What degree of power would you recommend to be entrusted to juries on the commencement of the plan, if it should be adopted?	8th. The less power they had, certainly the better: but I foresee great difficulty in the judicious restraint of juries. A hint from the presiding Judge would be taken as an order, and the lax ideas of natives as to proofs would constantly lead to misunderstanding between the jury and the court. I had a case, since I began to answer these queries, before me, which will exemplify this observation. A man's shop had been plundered of some grain during his absence at another village: he got a warrant from the Camavisdar of the district to search his neighbours' houses, in company with some sepoys, and the Koolkurnee and Shaitkee (head of the dealers) of the place. They proceeded to several houses, and at last in one of them the person who had been robbed produced a handful of rice, which he said he had taken out of an earthen vessel in the house in which they were then searching, and which, he added, was of the same kind as had been stolen. The rice

Mr. H. Pottinger's Replies to Queries, 24 Sept. 1822.

Trial by Jury.

Answer.

rice thus produced, and some brought from the shop that had been plundered were examined by various people, who agreed unanimously as to the both samples being of one crop; the suspicion against the owner of the last-searched house was therefore confirmed, and he was summoned as the chief before the Camavisdar. He protested his innocence, and after some discussion a sepoy was sent to his house to bring half a seer of rice out of the same earthen vessel from which the prosecutor appeared to take what he had shewn to the searching party. This was done: and on its being compared with the rice brought from the sepoy of the prosecutor, it was found they by no means corresponded. The Camavisdar, although he did not perceive the sinister views of the accuser to their full extent, very properly released the suspected man; but so fully were many of the witnesses impressed with his guilt, that they urged the prosecutor to come to me; and, not being so fully aware of the foregoing particulars as I am now, I gave considerable credit to his assertions of the Camavisdar having been partial, and summoned the whole of the parties, when I tried the charge formally. It is clear, in this case, the prosecutor must have had the rice he produced in the accused's house concealed somewhere about his person, and took the first opportunity where grain of that kind was discovered to shew it to his companions, as his object was not to detect the thief, but to settle the offence on some one from whom he might recover damages.

Had a native jury tried this, I have little doubt but the man would have been found guilty unless the Judge interposed his authority; and in this case the prosecutor would have exclaimed against such a step.

Question.	*Answer.*
9th. Would it be possible, and if so would it be desirable, in your opinion, that juries should be appointed from all castes of Hindoos, and sit indiscriminately?	9th. The plan proposed in this query is the best, no doubt, and with the exceptions made in the seventh reply, I know of no impedment.
10th. If not, what castes would, in your opinion, be eligible for this service?	10th. See the preceding replies.
11th. Would it in any case be practicable to place Mahomedans and Hindoos on the same jury, and would it be desirable to do so?	11th. Where the offender was a Mussulman, I would have his jury of that caste, and half of the caste of the person on whom the offence was committed, with the reservations already alluded to of Dairhs, &c. If both parties (accused and prosecutor) were Mussulmans, the whole jury should be of that persuasion.

These rules would apply to Hindoos, whether Brahmins, Koonbees, Purdeeses, Rajpoots, &c. &c.; and where any of the four excepted castes were exclusively concerned in the offence, I would take an equal proportion of Brahmins and other Hindoos.

12th. If, upon the whole, the appointment of jurymen should appear to you to be likely to be attended with advantage, would the following mode of employing them accord with your sentiments, or would you recommend any material alteration? The Judge, after the evidence on both sides had been heard, to sum up the case, and remark upon the evidence adduced; the jury to deliver their verdict, with an explanation of the grounds of it, stating particularly their reasons for believing or disbelieving evidence, where that belief or disbelief has occasioned	12th. The plan proposed in the query under reply is the best, and in my opinion the only one that could be adopted. The Judge would require to be most careful, in summing up, not to betray the smallest inclination to the side of the prosecution or defence, if the case was doubtful, else his opinion would beyond any doubt bias the jury. Where the arraigned persons pleaded guilty and the proofs were clear, there would be less occasion for circumspection on the Judge's behalf.

Mr. H. Pottinger's Replies to Queries, 24 Sept. 1822.

Trial by Jury.

Question.

casioned their verdict. The Judge on receiving the verdict, if his own sentiments coincided with it, to pronounce sentence accordingly; if they differed from it, to refer the case, with his opinion, to the Sudder Adawlut?

Question.	*Answer.*
13th. Does any thing occur to you relative to the mode of constituting juries, the powers which should be entrusted to them, the tendency of the measure, and generally its practicability and advisability or the reverse, which is not particularly borne upon or comprehended in the foregoing questions? If so, state your sentiments at large.	13th. I have been so explicit in my answers to the queries, that I can add nothing to my observations, except reiteration of my conviction that the population of this country is not adapted to receive any benefit from the trial by jury. When the period at which it may be introduced with hopes of success will arrive, it is impossible to surmise with any precision: but I shall not think till after the present generation shall have passed away, and a new one grown up under our example and presiding care, both of which should be strenuously directed to correcting the vices and errors which I may safely assert have for many centuries existed throughout India, whether under a Hindoo or Mussulman government.

(Signed) H. POTTINGER.

J. BRIGGS, Esq. to Wm. CHAPLIN, Esq.,

(Without Date).

Mr. J. Briggs' (No date.)

Criminal Punchayets.

Sir:

1. I have the honour to acknowledge the receipt of your letter of the 22d ultimo, on the subject of criminal punchayets, requiring me to state how they were conducted by me in Candeish, and to give my opinion as to the practicability of their being generally introduced.

2. I shall, in the first instance, explain in a few words the mode I adopted in Candeish. By some misapprehension of the instructions of the Honourable the late sole Commissioner, I commenced my criminal trials by assembling a punchayet, and from having been many years in the habit of superintending similar courts in the army, it did not occur to me there was any thing strange or novel in the proceeding. The number of persons assembled were never less than five, and sometimes seven or nine. They were selected usually from among the Zemindars of the pergunnah in which the criminal case was tried, and from persons of respectability, commonly Brahmins, who accompany the cutcherry on business of their own.

3. After they were assembled, they were requested to select a mookh or foreman; and the prisoner, being brought to the bar, was told these persons were about to bear evidence for and against him, and to decide on his guilt, but that if he objected to any of them, to do so. The evidence on the prosecution was then gone into, and subsequently the defence. At the close of the examination of each witness, the punchayet was applied to by me to know if any thing occurred to them to ask more of the witness, and the prisoner was likewise asked if he wished to put any question. It was in this stage of the proceedings I frequently derived assistance from an intelligent juryman, when, from the mode in which the evidence was given, a further examination by him has led more clearly to elucidate an obscure fact.

4. After the prisoner's defence, the punchayet or jury was then required to give its opinion as to the prisoner's guilt; upon which the Shastree was called on to pronounce the law on the case, which was promulgated, and sentence passed accordingly.

5. Criminal trials by jury are considered by Englishmen as the most sacred privilege of security against oppression, and the basis of what is termed an Englishman's

Criminal Punchayets.

Englishman's liberty. We are in the habit of considering this a species of liberty, however, that is only calculated for a free state, the population of which, through its representatives, make its own laws. Now, although I shall not pretend to deny that, among other invaluable rights to which an Englishman lays claim, the trial by jury is one of the most important, yet it does not appear to me that a trial previous to punishment by a number of his own countrymen is a privilege which is likely to grow into a spirit of opposition to the ruling authority, however it may be in any country, or which can be particularly objectionable under any Government, where there is every disposition to do impartial justice, and to protect its subjects from local oppression.

6. In submitting my opinion on this large subject, I shall venture to look at it on a scale beyond the precincts of this province, and to discuss its merits on general grounds, and I propose therefore to divide it under the following heads :

1st. What are the objections of the present criminal system, conducted without punchayets or juries ?

2d. What are the objections to criminal punchayets ?

3d. What precedents are there for criminal punchayets, under our own, or under the native Governments ?

First, then, as to the objections attending our present criminal system, it will hardly be denied, that the main object of punishment is to deter, by example, others from crime ; and to attain this object, the greater the publicity and the more extensive the knowledge of the crime and punishment is spread, the more likely is this end to be attained, and more particularly in the vicinity of the place where the crime has been committed. It would be advantageous, therefore, if it were practicable, that every trial should take place somewhere within a convenient distance of the spot where the crime was committed ; and if a number of respectable persons of the district, who are likely to be well acquainted with the character of the prisoner and with the merits of the case, are assembled to investigate it, it appears to me that publicity would by this means be best disseminated ; so that while, on the one hand, the prisoner would have all the advantage arising out of a good character in his favour, yet, on the other hand, the fullest information would likely be obtained, and the consummation of the desired publicity would be completed by the infliction of the punishment on the spot of the commission of crime. Besides these advantages on the score of local example, there are two others worthy of consideration : the first relates to evidence ; the second to the administration of justice through the agency of the native population. And first, relating to evidence. An experience of more than twenty-one years in India has impressed on me the extreme difficulty of any European, however intimately acquainted with the languages of this country, being competent to elicit properly, and to give its proper weight to native evidence. I do not borrow this opinion from the several eminent public functionaries who have already adopted it, but I am quite prepared to confirm it from the fullest conviction, and the more particularly since my duties have lately required of me the exercise of civil, judicial, and magisterial functions ; and it is in our deficiency in this respect I am disposed to attach considerable importance to the criminal trial by punchayet or jury.

On the second score, I only repeat what I have more than once observed, that the more the native population can be rendered the means of supporting and aiding in the judicial, police, and revenue duties, the more likely we are to create attachment and fidelity to the state, and to derive most of those advantages in point of information, to which as foreigners, with habits and dispositions so opposite to the inhabitants, we must long continue to remain strangers.

Secondly, as to what are the objections to criminal punchayets, there are, I conceive, many circumstances to be considered before making them general. In the first place, punchayets or juries, modelled, as they must necessarily be to render them efficient, by certain rules and restrictions, are new, and unless the advantages considerably counterbalance the disadvantages, they should introduced with great caution, like all other innovations. To render them popular,

Mr. J. Briggs' (No date.)

Criminal Punchayets.

popular, the duties of juror must fall light on the people, and individuals must be remunerated according to the inconvenience they are put to by their attendance. To render them efficient, certain descriptions of persons must be liable to be summoned, and compelled to attend under penalties to be fixed. To render them just, jurors betraying their duty should be liable to severe punishment as example; and lastly, to render it a fair court, it should be composed of certain castes, according to the prisoners who are to be tried. It is true that all these subjects are matters of detail, and may be regulated by specific rules; but, in such a society as that of India, they are by no means matters of simple arrangement.

Lastly, what precedents are there for criminal punchayets, under our own or under the native Governments? And first, under our own Government: it will immediately occur, that the military law protects not only the native soldier, but the meanest camp followers, from punishment without a trial by his countrymen; a privilege which he enjoys as a public servant of the Government, or of a military officer, which is denied to the most opulent and respectable individual in civil life, living on his own fortune, and amenable to no master but the laws of the country alone. I state the fact, without contrasting the advantages either of the one mode of trial or the other; but I cannot avoid mentioning that the mode of investigation, as far as regard to feeling and rank are likely to be much preserved on the one hand, while the same consideration is very unlikely to operate either on an European Judge or on the several minor servants of the court, from the Examiner down to the Sheriff's officer who serves the writ or summons, unless to be made the plea of extortion. It is where men of family and caste are concerned, either in criminal or civil cases, that I am led to understand the rules of the courts in our old provinces are considered so obnoxious, and in the enforcing of which all those indulgences, and attentions to local prejudices and individual caste and respectability, which distinguish the system of our rule from that of all other conquerors, our predecessors in India, are trampled under foot under the blind march of impartial justice, which in Europe knows no distinction of persons. This is a delicate and important point, and is more likely to find its proper weight and level through the influence of punchayets, perhaps, than from any specific rules of the wisest of European legislators with the best intentions.

The trial by jury has, I believe, been for some time resorted to in Ceylon, in a country which for many years was the seat of internal warfare, and of occasional intestine insurrection. It has hardly been in force sufficiently long to pronounce on its advantages, or to form a test of its excellence, though I should conceive its inconveniences, if any existed, would ere this have been felt, but of which I have not heard.

With reference to criminal punchayets under native Governments, I am of opinion that both civil and criminal punchayets were constantly had recourse to; they formed the inquest of the true state of any case, and they prepared the question for the decision of the superior without imposing on him any trouble: all their proceedings were recorded, and they concluded by giving an opinion. This mode of adjudication in criminal matters was seldom had recourse to but in the event of capital cases. The punchayet was a select jury, appointed by the chief civil authority: it sat, exhausted the evidence, and pronounced its decision on the guilt of the prisoner; the Shastree was then consulted as to the law, and the prince or chief passed sentence as he thought fit. The punchayet was guided by no rules of evidence; it rejected what it considered irrelevant or unimportant, though it generally took the trouble of examining every sort, however remote from the point; but in the whole proceeding there was no fixed principle of action, and the nature of the investigation, therefore, depended much on the ability and the qualifications of those who were appointed to the duty, as well as on the character of the accused.

In concluding this subject, however, I must beg leave to submit my opinion, that to render punchayets, either civil or criminal, efficient, they must be subjected to a set of defined rules; and in the formation of those rules, both the experience and ability of European talent will be insufficient without a full and

and unreserved communication of the sentiments of enlightened natives themselves, for whose benefit alone they are intended to be rendered applicable

Mr. J. Briggs, (No date.)

Criminal Punchayets.

I have, &c.

(Signed) J. BRIGGS,
Political Agent in Candeish.

J. BRIGGS, Esq. *to* Wm. CHAPLIN, Esq.,
Dated the 13*th September* 1822.

Mr. J. Briggs' Replies to Queries, 13 Sept. 1822.

Trial by Jury.

Sir:

1. I have the honour to forward replies to the queries on the subject of criminal trial by jury, forwarded in your letter of the 25th ultimo, and I hope they may be deemed satisfactory.

2. The subject is, however, so large, and embraces so many questions of a political as well as of a judicial nature, that it is with great deference I submit my opinion on it.

I have, &c.

(Signed) J. BRIGGS,
Political Agent in Candeish.

Question.	*Answer.*
1st. What would in your opinion be the general effects of appointing judicial assessors, or jurymen, from among the natives, for the purpose of assisting in the trial of criminal cases?	1st. The general effects likely to be produced by the introduction of this measure will entirely depend on the regulations which may hereafter be formed on the subject.
2d. Would the evil effects, if any, which you apprehend might result from them, be likely in the course of time to diminish, or the reverse?	2d. The evils I apprehend may be combated by rules hereafter attended to, and they will increase or diminish in proportion as those rules prove efficient or otherwise for the purposes for

which they are framed. The following occur to me as the most apparent difficulties.

1. Ensuring intelligent jurymen.
2. Ensuring punctual attendance.
3. Ensuring, as far as may be, impartial jurymen.
4. Preventing the duty falling too heavy on particular persons and classes.

The necessity of avoiding these evils need not be dwelt upon.

Besides these evils, which may be met by regulations, is one that time and more intimate acquaintance with the principles of our administration are alone likely to remove: this is, the difference of opinion which will frequently occur between the Judge and the jury. It will be long before the latter is made to comprehend that it is only to judge of the fact separated from the motives. The juries will invariably be disposed to consider all the circumstances that lead to the commission of particular crimes, and will give their verdict with reference to that consideration; and in some instances the verdict, though strictly conscientious, may be at variance with our notions of justice. I recollect one case in particular, which occurred in a trial in Candeish, where the jury held out with firmness, in resisting all the arguments that could be used to influence them in finding a person guilty of murder and subsequent rebellion against the Government, although the fact of his being present when the murder was committed, and of his being in arms against the Government, were distinctly proved; but the jury maintained that he was neither privy to the commission of the murder, nor was he active in the rebellion; that on both occasions he was merely a follower of his elder brother; that it was

 natural

Mr. J. Briggs' Replies to Queries, 13 Sept. 1822.

Trial by Jury.

Answer.

natural when the former had committed the act and absconded with all his family, that the younger brother should go also; and that as to his being found with him when in arms against the Government, it was quite consistent with his situation. That no proofs of personal activity appeared against the younger brother, but on the contrary it seemed he was of a mild, inoffensive character, and the jury would not reconcile themselves to find him guilty of the charge.

I shall content myself with remarking on two or three more instances, where difference of opinion, even among the natives themselves, is likely to occur.

The putting to death of Bheels and other notorious classes of robbers upon very slight suspicion, was, under the late Government, deemed proper, and no sin whatever was attached to the act of decoying them by fair promises and falling upon them afterwards; on the contrary, it was rather looked on as meritorious. It has been with the utmost difficulty that the custom of extorting confession from prisoners, frequently by cruel punishments, has been put a stop to. Again, a Mahomedan hardly thinks it a crime to mutilate, by cutting off the nose of his wife or his mistress, on the slightest grounds of infidelity, while a Brahmin views the deed with horror and disgust; though again he would contemplate as worse than a murderer the man who slays a cow, which the Mahomedan kills for his food. Again, among many classes witches are held in such abhorrence and dread, that they think it right to cut off their noses, and even to put to death such unfortunate women as may be pronounced to be possessed of the black art. Again, almost every caste considers it pollution to eat with one of another; a man's own son is ejected from the house of his father who partakes of the food of a schismatic, even of his own persuasion. Now it is from a society so framed that it is proposed to draw juries, for the administration of the laws under the British Government. The modification of the Hindoo and Mahomedan codes, which takes place every day in our courts, I feel convinced gives satisfaction to the people themselves. The keenest prejudices gradually become blunted under our rule; and although the establishing of trial by jury is a measure presenting numerous difficulties, I am not of opinion that they are insurmountable, and I conceive none so likely to give to the better-informed classes a proper and exalted notion of our principles of justice, and by degrees to banish altogether many of the absurd notions and distinctions among individuals that at present prevail.

Question.

3d. Would the measure be agreeable to the natives?

Answer.

3d. By the upper classes, and by the best-informed natives, the measure, if the evils above alluded to are sufficiently averted, will I believe be properly appreciated even at first, and in the end the advantage of being tried by a jury will probably be highly valued by all classes.

4th. Would it not have the effect of increasing the confidence of the natives in our administration of criminal justice, by gradually rendering them better acquainted with the principles on which it is conducted?

4th. I think it would be likely to have this effect. At present they are little known; all depends on the personal character of the Judge; and among a people who have been taught from their birth to consider every act of Government and its representative as arbitrary, it is no wonder that they should be ignorant upon what fixed principles our judicial proceedings are conducted. If it be admitted that the notion of our judicial principles is formed from the estimate in which the Judge is held, it will hardly be disputed that this estimation will constantly be liable to vary on every new appointment. The intentions of Government are universally admitted to be good and just; but the distance which exists between Europeans in high civil stations and the natives, must for ever keep the latter unacquainted with

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Answer.

the true character of the former, and usually much to the disparagement of the European juries, would, in my opinion, tend to correct some of the evils adverted to. The true character of our Judges, and the real motives of their conduct, would be at once seen and appreciated by independent and respectable persons forming part of a large community. They would aid considerably the Judge in going through trials, and the parties being better known to each other, a mutual interest would be imperceptibly established where such cannot at present exist.

Question.

5th. Would it not tend gradually to interest them more in the police administration of the country and the punishment of offenders?

Answer.

5th. I think this advantage would also gradually be attained, but the motives are remote and not quite apparent. A greater interest might perhaps be excited by granting rewards, as in some cases in England, for prosecution of criminals to conviction, and some certain punishment be inflicted where any person protects a criminal knowing him to be such, or where he either connives at crime or is an accessary in any shape before or after the fact to its commission, without bringing the culprit to justice.

6th. The sentences of our criminal courts are understood, in too many instances, to be regarded with great indifference by the community, and considered to affect but little the character of the offender: would not the verdicts of juries have a tendency to remove this evil, and to make the natives view the convicted criminal as a person most deservedly and justly degraded?

6th. It is too true, that criminals, after conviction in our courts, are not held in such abhorrence as from the nature of their crime they ought to be. Verdicts of juries would very likely render them more so, because the whole state of the case, in all its deformity, would become more generally known; and because, after conviction by a jury, no dispassionate person could doubt that the nature of the crime was such, as among the natives themselves would warrant the infliction of the sentence passed. Much ignorance on this score at present exists; but I question if the moral condition of the people is sufficiently pure to check crime by publicly withdrawing themselves from all convicted persons. It is to be hoped that the gradual improvement in the state of society, and the improvement of the better classes in the administration of justice, will tend considerably to ameliorate the morals of the community at large.

7th. What would be the best mode, in your opinion, of constituting a native jury, with the view particularly of guarding against prejudices arising from caste, either against the prisoner or in his favour?

7th. When we find in England, where the law knows no distinction of persons, and where in fact no material distinction prevails, that no less than twenty-four acts of parliament are quoted by one law authority (Burn's Justice) on the simple point of "who may, or who may not be jurors," it will perhaps be readily conceded that, in a country like this, among such variety of castes, wherein the partialities towards and prejudices against each other are so strong, it is no easy task to say how juries ought to be constituted. In providing for this measure, I conceive four points ought particularly to be kept in view.

1. To make the duty to fall so lightly as not to be considered a grievance.

3. To decide who may or who may not be jurors.

4. To ensure punctual attendance.

On the first point. If the courts are, as at present, confined to one particular spot, and all criminals are to be tried as soon after commitment as possible, it would be necessary to have a jury always in waiting, and the burthen would be odious and grievous to those compelled to attend. This objection is peculiarly applicable to Candeish, though perhaps not so, where

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Answer.

where the population is greater, and the courts are held in cities. To obviate this, I would propose that capital cases only, or very heinous crimes, such as murder, gang robbery, highway robbery, &c. &c., in which the parties would be liable to death or transportation, should be tried by jury by way of experiment in the first instance; and in order to prevent the duty falling too hard on jurors, I should propose that the Judge, or Acting Judge for the time being, should have his sessions once in three months. In the Deccan administration, owing to the extent of each range, it might be requisite that the trials of capital cases should take place in different parts of the district, both to alleviate the burthens of jurors, to ensure greater publicity, and to admit of the jurors being residents of the vicinity wherein the crime is committed. The advantages derived from this sort of publicity in England, not only as to the previous knowledge of the circumstances by the jury, but by that afforded of every thing connected with the trial. condemnation, and execution, are much less where the trial occurs in a court in which scarcely any one attends but the parties themselves, and in a remote station from the spot where the crime is committed. If it be objected to this measure, that a prisoner who may eventually be found innocent, will be thus liable to detention for three months in prison before trial, we must also take into consideration the chances against the occurrence which should be balanced against the certain inconvenience of trying him at the hoozzoor station, by which the same set of jurors will be liable to be called on. Before a prisoner is ever committed for trial on a capital charge, his case is first examined on the spot by the Aumeens or Mamlutdar; his own statement or confession, and the depositions of all the evidences, are taken in writing before witnesses at the time; he is then sent to the court, where a subsequent examination takes place before an European Magistrate, and on his conviction that sufficient matter exists to bring him to trial, then, and then only, he is committed to jail. The choice of difficulties therefore lies between such a person being detained, at the utmost, three months in jail, and the inconvenience, not to say hardship, of perpetual calls on one set of jurors; to which may be added the object of having the prisoner tried on the spot in the neighbourhood of the place where the crime has been committed.

On the second point. To preclude as far as is practicable all partiality or prejudice, I would propose that in many talooks a general list, to arranged alphabetically, of all persons liable to be called on as jurors, should be kept, and that it should be competent to the Judge going the circuit to summon a certain number, say sufficient for three juries, to be in attendance, from which number twelve should be drawn for in open court to form the jury, themselves selecting a foreman. The prisoner to be allowed to challenge peremptorily to the extent of one complete jury. In all cases of Hindoo criminals, the jury to consist entirely of persons of that persuasion. In the case of a Mahomedan accused of capital crime committed on the person of a Hindoo, the jury to consist of at least seven Mahomedans; when both parties are Mahomedans, the jury to consist entirely of Mahomedans. In cases of Brahmins, the whole jury to be composed of Brahmins. These occur to me at present as obvious rules to ensure just verdicts, as far as is practicable in a society so composed as that of India.

On the third point: "Who may or who may not be jurors." In England the trial by jury is a right which every man claims; this right is acknowledged alike by the Government and the subject; and while the community demands the enforcing of the law for its protection, the criminal has a right to the benefit of that law, which entitles him to the protection of a jury of his countrymen. Hence the necessity of compelling the attendance of jurors, and the origin of the several acts deciding "who may or who may not be jurors." In India the case is materially altered; but if the measure be once made acceptable to the community, the necessity for compelling attendance will be immediately granted. If the question could be put to the vote abstractedly, whether the trial by jury would be acceptable? when understood, it would probably

be

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Answer.

be answered in the affirmative. But if it were to be generally adopted in all cases of criminal investigation; to take place always at one spot; the person in attendance not remunerated; and lastly, contumacy or neglect in not attending at a particular hour liable to punishment by fine or disgrace, I have little doubt the boon would be rejected. The question, however, does not seem to rest entirely on the mere circumstance of its being actually acceptable to the natives, but rather that, in case it should appear to the Government desirable as a measure of judicial policy, what are the best measures to render it subservient to that policy, in such a manner as to make it acceptable. In the Indian community there are numerous persons in the upper and middling classes of society who hold hereditary immunities from the Government, for the performance of certain duties which neither occupy their time exclusively, nor under our Government are they even always required at their hands. All male members of a family of this description ought to be bound, in virtue of these hereditary advantages, to serve on juries between the age of twenty-one and sixty, unless incapacitated by certified sickness or other inability from attending.

This would include, among Brahmins:—Daispandies, Koolkurnees, Gam Bhutts, and Joses.

Among the Chutry and Shooder castes:—Daismooks, Potails, and Chowdries.

Among the Byce, or trading castes:—Seteas and Mahajuns at the head of the caste.

Among Mahomedans:—Razees, Khutello, Moollas, and others.

No person should be competent to be a juryman who cannot read and write. Whenever a person incompetent from this reason is summoned, he should be compelled to find a substitute, paying him a certain sum daily, to be fixed by a regulation. No person should be allowed to become a substitute who was not *bonâ fide* a native of the district, and he should be able to prove himself possessed of personal property, either in house, land, or stock in trade, worth at least 1,000 rupees, and that he is in every respect of unobjectionable character. I am not sure that Potails and Chowdries should often be called on, because it is not required of them that they should be able to read and write, and it would be hard that they in particular should be liable to fine on all occasions. It would be well if persons incompetent to sit as jurymen from not being able to read and write, should be held also to be incapable of succeeding hereafter to hereditary offices wherein the duties to be performed require such knowledge, and although this is merely thrown out here as a hint, its consideration is by no means irrelevant to the subject of juries.

On the last point, *viz.* the subject of compulsory attendance.

It will perhaps hardly be questioned whether this is absolutely necessary to ensure efficiency to the measure. The persons above alluded to are, strictly speaking, servants of the Government; they derive annually a part of their livelihood from the emoluments of their offices, and therefore it is considered advisable to employ them in aiding in the administration of justice. They may justly be compelled to attend, on pain of forfeiting part of the perquisites of the office for the year on which they are called on; and in cases of neglect, whereby the proceedings are impeded, it ought to be competent to the Judge to impose such fine as he may deem proper. If the trial by jury be confined to capital crimes, in the first place, the demand on hereditary office-holders will not fall too heavy. A few years will probably shew whether it is desirable to continue the practice or to extend it to all criminal cases, in which event it is to be expected that the way will be paved to include a much larger portion of the community in the liability to serve. Among others, all persons holding immunities from Government in any shape above a certain amount might be

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Answer.

be included, and eventually all persons holding hereditary household or landed property of certain value, and being a permanently fixed resident. Long before that period, probably the necessity of enforcing attendance will be generally acknowledged as a trifling inconvenience, compared with the advantages to be derived from the trial by jury. It seems however desirable that some privileges should be granted to all jurymen: in court, for instance, they ought to sit on benches or chairs; and if some other privileges could be thought on that would render the duty an object of ambition, it would greatly tend to the efficiency of the measure.

Question.

8th. What degree of power would you recommend to be entrusted to juries on the commencement of the plan, if it should be adopted?

Answer.

8th. The power of the jury should be confined to the finding of the verdict, whether guilty or not guilty; they should however be allowed, in case a prisoner may not be deemed guilty to the whole extent of the charge, to state to what, in their opinion, he is guilty, and the votes of the majority should decide the question. It can seldom happen that seven persons (chosen in the way I have alluded to) would be guilty of injustice in a greater degree than twelve.

9th. Would it be possible, and if so would be desirable, in your opinion, that jurymen should be appointed from all castes of Hindoos, and sit indiscriminately?

9th. I think it would not be possible to reconcile all castes of Hindoos, in the present state of society, to sit together on a jury, although all castes of Hindoos and Mahomedans do sit together on native courts martial; but the military laws know no distinction of persons of the same rank, and when we confer military rank on a Purwarry, we create a fictitious respectability, which is supported on all points of duty in violation of every feeling of caste, but is lost the moment the individual returns into society. This has been so much felt in the Madras army, that many years ago these castes were prohibited from being enlisted in the army at all, by a general order, which is still in force. To reconcile a whole community to waive all feelings of distinction of this sort, we must first of all create this fictitious elevation, and then compel people to respect it. In the formation of juries, however, this would be impracticable; the prisoner's station in society alone should be considered, to ensure his being tried by an impartial tribunal.

10th. If not, what castes would, in your opinion, be eligible for this service?

10th. This question has been anticipated in reply to the seventh.

11th. Would it, in any case, be practicable to place Mahomedans and Hindoos on the same jury, and would it be desirable to do so?

11th. I conceive there could be no objection whatever.

12th. If, upon the whole, the appointment of jurymen should appear to you to be likely to be attended with advantage, would the following mode of employing them accord with your sentiments, or would you recommend any material alteration? The Judge, after the evidence on both sides had been heard, to sum up the case and remark upon the evidence adduced; the jury to deliver their verdict, with an explanation of the ground of it, stating particularly their reasons for believing or disbelieving evidence, where that belief or disbelief has occasioned their verdict; the Judge, on receiving the verdict, if his own sentiments

12th. In addition to the mode laid down, I would have a foreman, to be selected from the jury. I would allow the prisoner to challenge, peremptorily, to the extent of twelve. Both jurors and prisoners should be asked if they wished to put any questions to every witness before he retired; and lastly, I would require the verdict to be given in writing, and signed by each member. This, among natives, appears to me to be more binding even than a verbal oath; they say, "a man cannot deny his own hand-" "writing," and they certainly attach the greatest importance to written documents, for the contents of which the

Question. | *Answer.*

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timents coincided with it, to pronounce sentence accordingly; if they differed from it, to refer the case, with his opinion, to the Sudder Adawlut?

the writer is deemed strictly responsible.

13th. Does any thing occur to you relative to the mode of constituting juries, the powers which should be entrusted to them, the tendency of the measure, and generally its practicability or the reverse, which is not particularly borne upon or comprehended in the foregoing questions; if so, state your sentiments at large?

13th. The whole subject is altogether of such magnitude, that it is hardly possible to canvass it within the limited scope of replies to definite questions. We have had a long experience of military juries; the objections to them have not been such as to suggest the idea of abolishing them. The punishment of military offenders is of more vital importance to the efficiency of the army, perhaps, than that of civil criminals to the existence of the Government; but the lives and character of civil society ought, perhaps, to be at least as effectually protected from arbitrary power. We have had experience that persons coming from the lower classes of society, as the privates of all armies must be, have been rendered, by a long acquaintance with our habits and manners, fit to determine on the guilt or otherwise of persons tried for crimes, alike amenable to the civil as well as the military law; and it is therefore likely, among the upper and middling classes of the society in general, we shall not be at a loss to select jurors equally respectable, intelligent, and free from prejudice, as among the native officers of the Indian army. Viewed purely as a question of jurisprudence, I do not contemplate any evils from the measure, that will not on the whole be counterbalanced by the good to be derived from its introduction: as a political question, I consider its introduction as leading to important, though perhaps remote advantages.

J. BRIGGS,
Political Agent in Candeish.

J. GRANT, Esq. *to* Wm. CHAPLIN, Esq.,

Dated the 1st October 1822.

Mr. J Grant's Replies to Queries, 1 Oct. 1822.

Sir:

I have the honour to acknowledge the receipt of your letters of the 22d July and 25th August, on the subject of criminal punchayets.

As to whether such punchayets were assembled at any period previous to the time of Shao Maharaj, the fact cannot be positively ascertained; but it is asserted that Shao determined on the guilt of persons accused by a punchayet, not chosen from the community, but assembled from his own Mootsuddies.

The custom was not universally adhered to about Sattara; but it seems to have been considered the rule of right, and Mamlutdars desirous of being thought correct, are said to have continued the same practice until within the last twenty-five years.

Ramoossees, Mhars, and Maungs seem generally to have been condemned or acquitted on the investigation of their crime by the chief authority, as well in this district as in every other part of the country. The same kind of punchayet as used by Shao was introduced at Sattara in 1818, and has since been continued, with this improvement, that no man of any caste can be declared guilty, or punished for any crime of consequence, without the sanction of a majority of the punch.

Punchayets are frequently assembled by the Adeekars and Mocuddums of castes, to determine on guilt or innocence, which shews that the natives of the Mahratta country are capable of perceiving the benefit that might be derived from the institution, although no Indian Government has had the practical

Mr. J. Grant's Replies to Queries, 1 Oct. 1822.

Trial by Jury.

practical wisdom to introduce it, except in the imperfect way I have mentioned.

In regard to the thirteen questions conveyed in your letter of the 25th of August, I shall offer direct replies, with that confidence which is consistent with brevity; not that I can pretend to have considered all the objections which practice may discover, and experience only can obviate.

Queries 1st, 2d, and 3d.

Any institution of this kind amongst natives under our Government rests so much on the discrimination, temper, and perseverance of the superintending Europeans, that its success, and its good or bad effects, will mainly depend on them.

There will be great difficulties found in the commencement, and I think, in the course of six months, the general report may be, impracticability. These difficulties will arise from preparing the cases for prompt trial; the additional trouble, and the waste of time that will be occasioned by the seeming want of intelligence, and the slow degrees by which the native community will begin to understand the meaning and intention of Government. The objections arising in the minds of men unacquainted with freedom, which may at first be made to serve on such punchayets without emolument, will be remarkable. The natives may probably urge that it is the Circar's business, not theirs. What is the use of a Government but to punish criminals and preserve order, without troubling the harmless part of society to decide on the guilt of criminals, whose death or punishment may be avenged by some attack on them or their families and property; where have they guards to protect their persons, or Chowkies to watch their doors?

Native juries, chosen from the community, would have the effect of preventing crimes, by spreading useful information, by interesting the people in the measures of punishment, and keeping them in mind of the consequences of guilt. These effects will take place exactly as the measure is understood. If desired to conjecture, I should say, probably in about two years from its introduction the effects will begin to be apparent.

Queries 4th, 5th, and 6th.

All the good effects contained in these interrogatories will attend the measure. I have observed, that by prohibiting persons convicted of crimes, or dismissed the Rajah's service, from entering any public assembly under the authority of Government, by discouraging the public servants from associati with them, and by shewing no private countenance to such servants as c tinue their intimacies with delinquents, that sensible good effects have arisen The people in the Mahratta country certainly place a considerable .... (*Sic orig.*) on character; it is for us to direct that feeling to their good by endeavouring to preserve it, and giving them just ideas of what real character consists. Juries will greatly tend to this desirable end; and I am persuaded that, by laying the whole weight of Government opinion on individual delinquency, carefully at the same time abstaining from any appearance of personal enmity, or the semblance of persecution, that it will make the opinion of Government more valuable; induce the people (to do what they never have done) to take an interest in the conduct of the legislature; prove exceedingly useful to subjects with whom we seldom associate, and who in private life are certainly indifferent about our opinions and decisions.

Query 7th.

The jury should be of mixed caste of all classes, not inferior to the Shooder; Mahomedans should be admitted.

Query 8th.

Merely their verdict.

Queries 9th, 10th, and 11th.

See Reply to Query 7th. There can be no reasonable objection to any respectable person of the castes I have mentioned. It is not by any means intended as applicable, but it may be worth remarking, that of all the private objections amongst the high caste Sepoys to our service, such as standing in the

the same file with a Purwarry, &c., I never knew them object to that of being liable to be tried by a low-caste native officer.

Mr. J. Grant's Replies to Queries, 1 Oct. 1822.

Query 12th.

Trial by Jury.

This query is diametrically opposite to my idea of some of the principal advantages to be derived from the introduction of punchayets as juries. I think that if the Judge make any comment, punchayets should not be introduced. Either a European or a native Judge, a man in authority, will lead or mislead them, to say as he pleases: the one may misunderstand the case, by not seeing the force, meaning, or intention of evidence; the other will be bribed. The greatest care should be taken to prevent all knowledge of individual opinions; the jury should give their verdict, and unless there appears something very unjust or absurd, it should be allowed, especially on the side of mercy, to stand good. I am of opinion that the punchayet will frequently condemn, and with perfect justice, where an English Judge, on the trial of a native evidence, would acquit the greatest criminal. It is also probable that a punchayet may acquit where the crime is heinous, and in our opinion apparent; therefore, until the people are more capable of exercising the power to be thus granted, the reversion of a decree should be reversed by Government.

Query 13th.

There is nothing that occurs to me unanswered, except that no affair of caste, and for many years no case of treason, should be committed to a jury of our native subjects.

I have, &c.

(Signed) J. GRANT,
Resident at Sattara.

W. A. JONES, Esq. *to* ....

Dated the 19th November 1822.

Sir:

I have the honour to forward my replies to the queries accompanying your circular letter of the 13th August last, upon the advisability and practicability of appointing judicial assessors or jurymen from among the natives, for the purposes of assisting in the trial of criminal justice.

Mr. W. A. Jones's Replies to Queries, 19 Nov. 1822.

I have, &c.

(Signed) W. A. JONES,
Criminal Judge.

Question.	*Answer.*
1st. What would, in your opinion, be the general effects of appointing judicial assessors, or jurymen, from among the natives, for the purpose of assisting in the trial of criminal cases?	1st. I conceive a wide difference to exist between the character and duties of a judicial assessor and of a juryman. A judicial assessor I suppose to be a person allowed to judge of the law, to advise and direct the

Judge in matters relating to it; whereas the powers of a juryman are confined to the examination of the fact, and he is to determine whether such fact be proved or not, but has nothing to do with the subsequent punishment.

The appointment of judicial assessors would be highly inconvenient and unnecessary, but, on the contrary, the institution of a jury would be attended with the best effects.

I have always considered the mode of conducting the administration of criminal justice to be extremely defective. The Criminal Judge first appears as the accuser of the prisoner, he then proceeds to try him, and last of all to punish him. The introduction of a jury would obviate the greatest and most dangerous of these powers, that of determining the guilt of the accused. The Judge would still appear as the accuser, and

Mr. W. A. Jones's Replies to Queries, 19 Nov. 1822.

Trial by Jury.

Answer.

as the person in whom is vested the power of determining the degree of punishment, in the event of the jury returning a verdict of guilty; but the formal character of accuser may be easily got rid of, and it is to be hoped some arrangement to this effect will be made by the Committee for revising the Regulations; the duty of the Judge will then be confined, to what alone it ought to be, to superintend the trial, to examine the witnesses, if necessary, and to recapitulate to the jury the evidence and different points which have appeared on the trial.

The shrewdness and power of discrimination possessed by the natives has never I believe been disputed, and they never fail to exercise it in all proceedings, whether civil or criminal, which form the business of our courts; nor do they fail to discuss among themselves, not only the merits of the decree or sentence passed, but also the motives which could have led to such decision; and an error of any sort is not only thoroughly canvassed at the time, but always held in remembrance after.

The odium which is now incurred by the Judges will, by such an institution, be transferred to the jury, which of itself is a matter deserving of great consideration, and to obtain the benefit of which, must alone be a strong recommendation in favour of a jury.

But another advantage will be, that the really guilty will not be so likely to escape punishment, or the innocent to be punished unjustly. The true merits of a case, and the motives which could lead a man wrongfully to accuse another of a crime, must be much better felt and understood by a jury of natives than by an English Judge, and there can be no doubt that an offender would infinitely prefer to be tried by the Judge alone, than to trust himself to a jury of his own countrymen.

Question.

2d. Would the evil effects, if any, which you apprehend might result from them, be likely in the course of time to diminish, or the reverse?

Answer.

2d. The only ill-effect which I apprehend, is one arising from the disposition and character of the natives, and which must be provided against entirely by the presiding Judge himself, as I know of no rules or regulations which can be brought to meet the point. This is the obsequiousness of the native disposition, and the inevitable danger which it produces of a jury being influenced in their verdict, by what they may consider to be the wish of the Judge. To guard against this, the Judge, in summing up and commenting upon the evidence, must avoid most carefully every expression from which the jury may infer that his opinion leans to either side. I have so little reliance upon the probity or independent spirit of the natives in general, that I feel convinced they would seldom, if ever, act in opposition to what they considered to be the wish, or even the opinion of the Judge.

This forms with me the strongest, indeed the only objection to the institution of native juries, as it is evident that a jury which can be swayed, may be made a dangerous weapon in the hands of a Judge, at the same time that it would serve as a screen behind which he might shield himself from responsibility.

It may be said, and it is a very serious objection, that the functions of a jury are too important in their nature and in their effects to be entrusted in the hands of men whose want of integrity is almost universally admitted; and this objection would be insuperable, if the jury was to be composed of men of the same caste with the person to be tried, in which case the bias in his favour, arising from connexion by marriage or actual relationship to many, and also the honour of the caste itself, would preponderate, and in frequent cases ensure the acquittal of the prisoner; but I should hope that the jury may be so formed as to afford an efficient safeguard against this evil.

3d. Would the measure be agreeable to the natives?

3d. There appears to be good reason to suppose that the measure would be agreeable to the natives in general. By

Mr. W. A. Jones's Replies to Queries, 19 Nov. 1822.

Answer.

By all with whom I have spoken on the subject I have found it highly approved of, but they did not seem greatly to like being themselves required to assist.

Trial by Jury.

Question.	*Answer.*
4th. Would it not have the effect of increasing the confidence of the natives in our administration of criminal justice, by gradually rendering them better acquainted with the principles on which it is conducted?	4th. A short experience of the nature of the duty expected from them will, it may reasonably be hoped, remove all feeling of dislike; and the measure must increase their confidence in our administration of criminal justice, by rendering them better acquainted with the principles on which it is conducted.
5th. Would it not tend gradually to interest them more in the police administration of the country and the punishment of offenders?	5th. I cannot say that it would interest them more in the police administration of the country and the punishment of offenders, but it must be beyond dispute that the number of

persons interested would be greater. Perhaps the measure may tend gradually to interest them in a greater degree, but the progress of this will, I fear, be very slow, and perhaps is altogether problematical; for their natural apathy is much too strong to permit them to exert themselves in any matter in which they are not immediately and personally concerned.

But, notwithstanding this, I cannot at all agree with the assumption taken in the sixth query, that the natives are indifferent to the sentences of our criminal courts, or that they are considered to affect but little the character of the offender. On the contrary, I have always observed great attention paid by the bye-standers during trials of criminal cases, but indifference upon no occasion; and a man, however high his caste or great his wealth may be, never recovers from the degradation into which he has fallen by having been sentenced to punishment; and should such a person appear as an evidence in either a civil or criminal court, it would not fail to be objected against him, as indeed I have more than once known to be the case.

6th. The sentences of our criminal [cou]rts are understood in too many in[st]ances to be regarded with great [indiffe]rence by the community, and [con]sidered to affect but little the cha[ra]cter of the offender: would not the verdicts of juries have a tendency to remove this evil, and to make the natives view the convicted criminal as a person most seriously and justly degraded?	6th. If the example failing in its effect may be considered as indifference, it must, I fear, be conceded that such indifference does exist: for in all minor crimes, the punishment inflicted does not seem to have acted as a warning to others; but where sentence of death has been carried into execution, the effect has indisputably been most striking. There is, however, a disregard paid to our sentences, arising not from indifference or want

of interest in them in the minds of the natives, but resulting from the extreme lenity with which our sentences are tempered. In cases of murder, the sentence is indeed death, which is all that is or can be looked for; but the native community does not understand the nice distinctions which induce a commutation of punishment to transportation, or, as has sometimes happened, to a few years' imprisonment. Again, where the crime is robbery, the natives are not satisfied with any thing short of the restitution of the property stolen. To lock up a man in jail for a few years, and then to release him, leaving him in the enjoyment of the property stolen, which is but too often the case, is not what they consider to be justice to the person robbed; and I feel perfectly convinced, that very few would come forward to give information of a robbery, was it not in the hope of recovering their property. I mean to say, that very few, if any, would be, or ever are, influenced by detestation of crime, or by public spirit, to cause the apprehension of an offender.

Another

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Another cause of disregard is the very mild manner in which the sentence is carried into execution. As I have heard it frequently remarked by natives, what is the sentence of a few years' imprisonment to t hemajority of those with whom our jails are filled? It is not a punishment: they dwell in a better house; they are clothed as well, and they are fed beyond measure infinitely better than if they were at liberty: and so far is the addition of hard labour upon the roads and public works not considered as a severity, that it is eagerly desired.

So far from confinement in jail being dreaded, how many, who know not how to procure their daily food, commit petty offences for the very purpose of being sent there? It is of frequent occurrence. If the trifling theft thus committed escapes detection, the man has provided himself with support for a few days; if discovered, he is sure to find it in prison, where his daily allowance is two seers of farinaceous grain, with a quantity of vegetables and ghee, and fire-wood to dress it with.

But I must repeat it, I have never known the sentences to be regarded with indifference, or considered not to affect the character of those upon whom they are passed.

Question.	*Answer.*
7th. What would be the best mode, in your opinion, of constituting a native jury, with the view particularly of guarding against prejudices arising from caste, either against the prisoner or in his favour?	7th. A jury should be composed of not less than seven or more than thirteen persons, the verdict to be the opinion of the majority. No peremptory challenge should be allowed, but the prisoner might be permitted to object to any of the jury upon grounds of personal hatred, of any one of them having committed perjury or other unlawful act, the removal of such person to be finally determined by the Criminal Judge at the time, subject to no appeal whatever, nor should any claim to a fresh trial be admitted on the grounds of a juror objected to by the prisoner having been retained.
8th. What degree of power would you recommend to be entrusted to juries on the commencement of the plan, if it should be adopted?	8th. I should be inclined to give to the jury, at the commencement, every degree of power which it may be deemed proper to confer upon them. It is a measure of such great importance that no experiments should be tried upon it.
9th. Would it be possible, and if so would it be desirable, in your opinion, that jurymen should be appointed from all castes of Hindoos, and sit indiscriminately?	9th. It will not only be desirable but it will be absolutely necessary that jurymen should be chosen from all castes of Hindoos, care being taken not to call upon any man of a caste so low and degraded as would render it improper or impossible for one of a superior caste to sit or communicate with him; nor am I aware that there can be the smallest objection to placing Hindoos and Mahomedans on the same jury. Parsees and Christians may also be added, and I would strongly recommend that they should be.
10th. If not, what castes would, in your opinion, be eligible for this service?	10th. The confining the jurymen to any particular castes, would not only be a hardship on those castes to be compelled always to attend, but in every sense a most injudicious proceeding, as it would create a most improper distinction in the society in favour of a certain set of men, and would at least give them an authority and weight in the country, which there can be little hope that they would not abuse.
11th. Would it in any case be practicable to place Mahomedans and Hindoos on the same jury, and would it be desirable to do so?	11th. A list should be prepared, containing the names and places of abode, the caste, and trade or occupation of all the most respectable persons of all castes and denominations indiscriminately.

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criminately. This might extend as far as two or three thousand persons, inhabitants of the towns and villages of each zillah, to be corrected and filled up by the Criminal Judge, as vacancies may occur, either by death or otherwise.

The names of these being written on separate pieces of paper, fifty, or even a hundred names should be drawn out by the Criminal Judge, or by some person under his direction, from the box in which the names are kept, of whom, when present, a number sufficient to form a jury should be drawn in a similar manner. A fine of not less than fifty rupees should be imposed upon every person summoned who may fail to appear, unless for good and sufficient reason clearly established.

To afford relief to the juries, it may be deemed proper that no one set shall be required to attend for more than one day, unless it be impossible to conclude the trial in that time: if so, it will be necessary that more than one hundred persons be summoned; but this can be regulated according to the number of cases on the calendar.

Question.

12th. If, upon the whole, the appointment of jurymen should appear to you to be likely to be attended with advantage, would the following mode of employing them accord with your sentiments, or would you recommend any material alteration? The Judge, after the evidence on both sides had been heard, to sum up the case, and remark upon the evidence adduced; the jury to deliver their verdict with an explanation of the grounds of it, stating particularly their reasons for believing or disbelieving evidence where that belief or disbelief has occasioned their verdict. The Judge, on receiving the verdict, if his own sentiments coincide with it, to pronounce sentence accordingly; if they differ from it, to refer the case, with his opinion, to the Sudder Adawlut.

Answer.

12th. If it appears to the Judge that the verdict is in any way contrary to the evidence, or otherwise does not agree with his view of the case, he should be required to point it out to the jury, and to desire them to reconsider their verdict; and in the event of a continued difference between him and the jury, the whole to be referred to the determination of the Sudder Foujdarry Adawlut.

But if the verdict be one of entire acquittal, it should not be touched under any circumstances.

I am not friendly to special juries, and will not recommend their introduction.

A jury should be called to investigate every case in which a greater punishment would be inflicted than three months' imprisonment. Trifling offences may be inquired into, when convenient, by the Criminal Judge or his Assistants, as at present; but for the trial of all of more importance a jury should be summoned, and the trials be held on the first day of every second month. To call together a jury more frequently appears unnecessary, and would be productive of much inconvenience to them.

It is to be hoped, and also to be expected, that persons of wealth and reputation of character will, after some experience of the nature of a jury, consider being called to serve as a mark of honour, and as adding to their respectability in the eyes of their neighbours; and crimes of every description may be safely entrusted to their judgment, with the exception, perhaps, of crimes against the state.

Care must be taken to prevent the possibility of a jury having communication with the public after a trial shall have been commenced upon. A part of the court-room must for the time be appropriated exclusively to their use, to be provided with pillows and cushions to sit upon, and a room must be given up to them adjoining the court-room, to which to retire to consider of their verdict. But they should not be required to sit while in court in any thing like a jury-box, or in any place railed in, to all of which the natives have a strong aversion.

In order to withdraw from the Judge the character in which he now appears, of accuser as well as judge, it will be necessary to appoint a person

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son to act as public prosecutor, to conduct all trials. This will have the desired effect in a very great measure, and it may be rendered complete, by providing that all cases which now are brought before the Criminal Judge be henceforward laid, in the first instance, before his Senior Assistant, who should be allowed to determine in all, the punishment of which shall not exceed three months' imprisonment, a fine of fifty rupees, and flogging of twenty strokes with a rattan. Offences requiring a more severe punishment should be prepared by the Senior Assistant, and the prisoner committed by him for trial before the Judge and the jury, in the same manner as persons are now committed by the Criminal Judge to take their trial before the Judge on circuit. But it is by no means my intention by this, to take the charge of the police of the Sudder station out of the hands of the Criminal Judge, the sole direction of which should still remain with him.

Question.

13th. Does any thing occur to you relative to the mode of constituting juries, the powers which should be entrusted to them, the tendency of the measure, and generally its practicability and advisability or the reverse, which is not particularly borne upon or comprehended in the foregoing questions? If so, state your sentiments at large.

Answer.

13th. It does not occur to me at the present moment to offer any further remarks upon this question of the advisability and practicability of constituting native juries for the trial of cases of a criminal nature. It does not appear whether it be intended to extend the measure to trials before the Criminal Judge, or to restrict it to offences of such a magnitude as shall render it necessary to commit the perpetrator to be tried by the Judge of the Sudder Foujdarry Adawlut on circuit; but conceiving the benefits to be derived from it to be very great, and the evil effects, if any shall accrue, to be as nothing and easily guarded against, it is my hope to see it fully established.

(Signed) W. A. JONES,
Criminal Judge.

EXTRACT *of an* ENCLOSURE *in a* LETTER *to the Secretary of the Bombay Government from the Regulation Committee,* dated 28th November 1823, containing the Remarks of the Committee on the Suggestion for introducing Trial by Jury into the Countries under the Government of Bombay.*

Remarks of the Regulation Committee, 28 Nov. 1823.

In commencing our remarks upon the chapter on Trial, the first subject which claims our attention is the question of the expediency of introducing into criminal justice the trial by jury, or some plan founded upon the basis of that institution. The opinion of the majority of the Judicial Authorities, in answer to the queries transmitted to Government, under date 2d August 1822, being unfavourable to the measure, and our own sentiments being in accordance with those opinions, the subject has not been brought into the draft. As a means of estimating the value of the trial by jury to the natives of this country, we have been led to consider the advantages attendant on that celebrated institution in England and America, the only countries, perhaps, in which it can be said to be enjoyed in perfection. This consideration has impressed us with a belief that those advantages principally consist in the security and support which the trial by jury affords to liberty. It has been said, that were all the other free institutions of England extinguished, the trial by jury, provided that it could be retained unimpaired, would alone suffice gradually to restore to the country a free constitution. But an institution of this kind appears not only to afford the most efficient security for freedom, but to be necessary to its existence; for in free countries there will almost always be a struggle, more or less important and extensive, between the Government on the one hand, and the people on the other; or if not the people, at all events, individuals or bodies of men professing to espouse and protect its interests. A strong inducement

* Consisting of T. Barnard and C. Norris, Esqrs.

Remarks of the Regulation Committee, 28 Nov. 1823.

ment is constantly held out to the Government to defend its supporters and to crush its opponents, and were it not for the existence of some popular and unbiassed tribunal, no means probably would be more resorted to, or found to be more effectual for these purposes than the law.

Trial by Jury.

Under these circumstances, we cannot be surprised that the trial by jury should be prized beyond any other institution; and that the very considerable inconveniences to which it exposes individuals, should be cheerfully and zealously borne by the public-spirited and reflecting nations among whom it is established.

The foregoing remarks, we need not say, are utterly inapplicable to India; there is here no freedom to require the protection of so powerful a safeguard, no struggle between contending parties to call for the employment of an umpire, constituted with such ease to resist the influence of power. The Government of India can never suppose itself to have an interest in augmenting its power over its subjects, and if it were to entertain such an opinion, it would never, in order to put it in practice, have recourse to influencing judicial proceedings, when it has at its disposal means so much more prompt and efficacious.

But if the political advantages of the trial by jury be placed out of the question, we doubt whether those which remain would be very considerable. If the Judge is unbiassed (and, political questions being removed, the grand source of improper bias is cut off,) we see no reason why his decision should not be as likely to be just as that of a jury.

But this is exactly the state of things prevailing in India; and as the principal advantages of the trial by jury would not exist here, and could not be conceived by the natives, we think that its introduction would not be prized, its benefits would not be felt; and, on the other hand, the personal inconvenience to which individuals would be exposed by its establishment, would be apt, we think, to occasion discontent and dissatisfaction, among a people so little disposed to prefer general good to their private interests, and so unaccustomed to contemplate the performance of public duties by others than the public officers; aggravated too, as this inconvenience would in reality be, by the existence of peculiar customs, and magnified beyond reality in the ds of a people so averse to innovation.

There is, however, one consideration too important to be passed over in nce, which at the first view seems to prove a greater necessity for some titution of this kind in this country than any where else; we allude to the cumstance of the administration of justice being performed by foreigners. t we do not think that the effects of this separation of the Judge from the mmunity are entirely disadvantageous. If that minute acquaintance with e language, and with the peculiarities of habits and institutions which a native ly can be expected to possess, is unattainable, there is on the other hand a more absolute freedom from all considerations except those dictated by a sense of justice. It is less merit in a Judge in India to be unbiassed by fear or favour than in any other country; he is placed from circumstances entirely beyond their influence: so far, therefore, he is better qualified to pass an impartial decision than a native of the purest mind. But if we take into the account those imperfections, to give them no harsher name, which generally prevail in the character of the natives, to such an extent as almost to incapacitate them from performing in a conscientious, manly way, any public duty which compromises their own interests, or those of a near relation, a friend, or a member of the same caste, or from preferring such duty to corrupt emolument, it will, we think, appear that the bare judicial advantages (those alone which it could possess) of the trial by jury, over the mode at present established, would be, to say the least, by no means greater in India than elsewhere. To state in few words the principal considerations which occur on the question, in those countries where the advantages of the institution are the most strongly felt, the jury, from its popular construction, is calculated to furnish inpartiality rather than knowledge; its utility, therefore, would here probably be limited, for impartiality is exactly the quality which a Judge in India has in perfection, and which a jury of the natives of India is the least capable of supplying.

The

* THE following Letter bearing strongly on several of the discussions contained in this Volume, it has been thought right to print, notwithstanding its distant date.

LETTER *from the* GOVERNOR-GENERAL *in* COUNCIL *to the* MADRAS GOVERNMENT,

Dated the 19*th July* 1804.

Bengal Government to Madras Government, 19 July 1804.

MY LORD :

1. The Governor-General in Council has taken into consideration the letters from the Secretary to the Right Honourable the Governor in Council in the Judicial Department, dated the 2d April, the 14th May, and 11th June 1803, transmitting the printed copies of the Regulations passed by the Governor in Council during the year 1802, and printed copies of the first, second, third, fourth, fifth, sixth and seventh Regulations passed by your Lordship in Council in the year 1803. The Governor-General in Council has also received the letter from your Lordship in Council dated the 25th April 1804, relative to the administration of the affairs in the province of Malabar, and to certain questions connected with the judicial establishments under your Lordship's Government.

2. From a reference to the proceedings of the Governor in Council of Fort St. George, the Governor-General in Council observes, that the Government of Fort St. George deemed itself to be restricted by the orders conveyed in the two hundred and thirty fifth, and subsequent paragraphs of the letter from the Governor-General in Council dated the 31st of December 1799, from extending the new form of internal government (which the Governor in Council was directed, by the instructions contained in that letter, to establish at Fort St. George) to those districts in which a permanent settlement of land revenue had not been formed. His Excellency in Council further concludes, from the first and second Regulations passed by the Governor in Council in the year 1803, that in all those districts the Board of Revenue and the Collectors are continued in the exercise of the internal administration of the country under the general and undefined powers heretofore vested in them, to the exclusion of the authority of the Provincial Courts of Appeal and Courts of Circuit, and of the Sudder Adawlut and Foujdarry Adawlut established by the Governor in Council of Fort St. George in the year 1802, and confirmed by the Governor General in Council.

3. The Governor-General in Council is satisfied that no circumstances at present exist which require that the system of internal administration formerly prevailing throughout the British territories under the Government of Fort St. George, should be maintained in any part of the territories now subject to the authority of your Lordship in Council; on the contrary, his Excellency in Council is persuaded that the most serious evils are to be apprehended from the partial continuance of that system, both with respect to the revenues of the country, its tranquillity, and the stability of the British power.

4. The consideration which dictated the above-mentioned orders of the Governor-General in Council were connected with the peculiar circumstances which existed at that period of time at Fort St. George, and with a variety of causes which have long since ceased to operate within the territories subject to your Lordship in Council.

5. The code of laws comprizing the new form of internal government, which the Governor in Council was directed to establish in the British possessions in the peninsula of India by the instructions of the Governor General in Council, dated the 31st of December 1799, has been completed with respect to all its most essential branches. That form of Government has been extended to the greater proportion of the territories which

which were subject to the authority of the Governor in Council of Fort St. George previously to the fall of Tippoo Sultan. The principal officers under your Lordship's Government must now be well informed respecting the principles of the new constitution, and the most opulent and intelligent of your native subjects have either experienced its beneficial effects, or must be satisfied of the great advantages which they will derive from its operation.

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6. Under this change of circumstances, necessity which may exist for postponing the conclusion of a permanent settlement of the land revenue in the territories which have become subject to your Lordship's government subsequently to the fall of Seringapatam (whether that necessity may arise from want of information respecting the resources of the country, or other causes) appears to the Governor-General in Council to afford no justifiable motive for defering the introduction of the new form of government into all those territories; on the contrary, all the considerations which are stated to render it expedient to postpone the conclusion of a permanent settlement of the land revenue in the territories in question (particularly the disturbed state of certain parts of those territories), constitute, in the opinion of his Excellency in Council, additional reasons for extending to them the new system of government with the least practicable delay.

7. The conclusion of a permanent settlement of the land revenue does not necessarily form a fundamental principle of the new constitution, neither is the accomplishment of that measure one of the primary objects expected to be obtained by the operation of that constitution. The fundamental principles of that form of government consist in a certain distribution of the legislative, the executive, and the judicial authorities of the state, and the principal objects of that distribution are,

1st. The establishment of an impartial administration of justice according to the existing laws, whatever may be the degree of perfection which those laws may have attained.

2d. The gradual improvement of the laws.

8. It is consequently evident that the facility and expediency of establishing the new form of government in the territories in question, depend not in any respect on the nature of the system for the assessment and collection of the land revenue, which, from local convenience or from other accidental circumstances, may have prevailed within those territories. That form of government is no otherwise connected with the settlement of the land revenues, than as it is calculated, by means of its institutions, for the impartial administration of justice. To preserve to the Government, and to the proprietors and cultivators of the land, the rights which they respectively derive under the laws and usages relating to the plan of settlement actually in force, together with all other rights, and every subsisting engagement, however unconnected with the land revenue. It follows that the rights of the state and of its subjects, as connected with the land revenue in the newly acquired territories, instead of being injured by the introduction of the new constitution, will derive additional security from the adoption of that arrangement.

9. The grounds of these observations will appear from a reference to the original rights of Government with regard to the assessment and collection of the land revenue.

10. According to the ancient usages of India, the Government is entitled to a certain share of the produce of the lands. That share varies in its proportion, and may be levied in money or kind, according to local custom; and the Government is entitled to realize its share of the produce, through the agency of its officers, from the immediate cultivator of the soil, or to farm it for a sum of money, annually or for a term of years, or in perpetuity to the Zemindar or other description of landholder, or (where there are no landholders, or where landholders in actual possession will not agree to pay to the Government the sum which it may deem adequate to the value of its share of the produce) to any person whatever.

11. The new code of laws reserves to the executive authority of the state a discretionary power of pursuing either of those plans of adjusting and collecting the land revenue, until it shall have completed the arrangements

 necessary

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necessary for enabling it to fix the amount of that revenue in perpetuity, on terms which it may deem advantageous to the public interests. The courts of judicature are not empowered to question the policy of the plan which may be adopted by the Government, nor to interfere in any stage of its execution; the powers of these courts extend no further than to maintain all parties in the possession of their rights under the existing plan of settlement, whether those rights be derived from specific engagements or local usage.

12. It may be stated, that by the introduction of the new form of Government into the territories in question, the duties of the Collectors will be limited to the assessment and collection of the revenues; that their official acts will be subject to the cognizance of the courts of judicature; and that their powers, when subject to the control of those courts, will be inadequate to the ascertainment of the just dues of Government, and to their punctual collection.

13. The many instances both of permanent and temporary settlements of extensive districts made by the Collectors of the revenue in Bengal subsequently to the establishment of the present form of internal government, and the punctuality with which the revenue of those districts has been realized, afford the satisfactory proof that such apprehensions are without foundation.

14. The same usages which regulate the dues of Government from the lands, also vest in it adequate powers for levying those dues. Those powers extend to the sale of the crops or property, and even to the attachment of the persons of defaulters of every description, by the most summary process. The new constitution leaves to the Collectors of the revenue, in cases in which a permanent settlement has not been concluded, the full exercise of those powers to the extent requisite for realizing the public demands; the Collectors, therefore, will possess the means of realizing the public dues as far as the collection of them can be ensured, by the legitimate exercise of regular power after the just demands of Government shall have been satisfied or secured (but not otherwise). Individuals who may conceive that they have been compelled to pay a sum exceeding the amount due from them, will possess the privilege, under the new constitution, of sueing the Government or the Collector in the courts of judicature for the recovery of the excess; the grant of this privilege to individuals will not enable them to withhold the dues of the state, but will merely protect them against unjust claims of the Government, or extortion on the part of its officers. It would be an unnecessary occupation of the time of your Lordship in Council, to enter into a course of argument for the purpose of demonstrating that the interests of the Government as relating to the public revenue, and the obligations of the state towards its subjects, equally require that the executive authority and all its officers should be responsible to the laws for the due exercise of the extensive powers necessary for realizing the public revenue.

15. It is therefore evident that every system of assessing and levying the public dues from the lands in the territories in which a permanent settlement has not been concluded, however temporary or fluctuating, may be pursued with greater advantage to the interests of the public, and with less detriment to those individuals, under the new form of Government than under the ancient system of administration which prevails in those territories.

16. The preceding observations contain the grounds of the opinion of the Governor-General in Council, " that neither the rights of the state with " regard to land revenue, nor the means of enforcing those rights, will be " affected by the introduction of the new form of government throughout the " territories subject to the immediate authority of your Lordship in Council " in which a permanent settlement of the land revenue has not been con" cluded."

17. But your Lordship's wisdom, and the experience of a long course of years in the Northern Circars and in other parts of the Honourable Company's territories, will have satisfied your Lordship in Council that an improved revenue, cheerfully paid and realized without the application of military force, is not to be expected from a system of administration which affords to the people no encouragement

encouragement to augment their means of contribution, and which relies for success on the extent of the means entrusted to the officers of Government for levying the largest revenue which can be obtained by the direct exercise of power.

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18. An augmented land revenue, realized through the agency of the court officers without the aid of military coercion, will never be attained in our recently acquired possessions, otherwise than by the faithful discharge of the primary obligations of the state towards its subjects inhabiting those possessions. The most solemn and sacred obligations of the Government towards its subjects demand that just laws should be enacted and established, for the general protection of the persons, rights, and property of individuals, and that judicial establishments should be provided adequate to secure the prompt and impartial administration of the established laws. The new form of internal government provides for those salutary objects; experience of the happy effects of this system in other parts of our empire in India, warrants a reliance that its introduction into the possessions in question will promote the extension of agriculture and commerce, the increase of private wealth, and the permanent establishment of private security and public tranquillity, according to the degree in which those salutary consequences may be produced; the sources from which the public revenue is derived will be augmented, and the means of obtaining a just proportion of the wealth of the country for the use of the state will be facilitated and improved.

19. The early establishment of a system of government, founded on this solid and durable basis, is more particularly requisite in those parts of the territories subject to your Lordship's government in which the greatest degree of resistance to the authority of the state has been experienced. Instead of delaying the institution of Courts of Judicature, instead of suspending the authority of those already constituted; instead of confounding all the powers of Government in the person of a Collector of Revenue, the judicial authority should be strengthened by equitable regulations, justice and mercy should temper the severity of power, and the control of fixed law should manifest the certainty of protection to the lives and properties of our obedient subjects; while regular authority, sustained by sufficient force, should display an equal certainty of punishment to lawless violence and rebellious resistance. Were it possible for the Collectors of the Revenue to appropriate a sufficient portion of their time to the administration of justice, and to the maintenance of the peace of the country, the nature of their duties as officers of revenue disqualifies them for the discharge of judicial functions; the people cannot repose a firm confidence in the protection of the laws, while the administration of the laws shall be entrusted to the Collectors of the Revenue, because the conduct of those officers, and of the numerous native agents and servants acting under their authority, necessarily forms a principal object of legal control.

20. The administration of justice, and the maintenance of the peace of the country, should therefore be rendered exclusively the duty of the Judges and Magistrates of the regular Zillah Courts. If the authority of the laws cannot be enforced by the ordinary means prescribed for giving effect to the process of the courts, it will be the duty of the Judges and Magistrates to require the aid of the military force: not to countenance oppression, but to enforce the process of law. The Judges and Magistrates will be required to transmit to your Lordship in Council immediate intelligence of the circumstances which may have required military aid. The operations of the military force should be restricted to the service which occasioned its employment, and after having accomplished that service, the troops should be remanded to their established station.

21. The magistrates should be instructed to avoid applications for military aid, excepting in cases of indispensable necessity. The employment of troops should not be considered to be among the ordinary means of enforcing obedience to the laws: the operations of a military force must generally be attended with circumstances calculated to excite alarm and disaffection in the minds of the people, and to destroy the public confidence in the justice and protection of the civil Government.

22. Whenever it may be necessary to station troops in particular districts, beyond the established military posts, the officers appointed to command those

detachments,

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detachments, should be subjected to the orders of the Magistrate. The military officers should also be prohibited from holding any intercourse with the land-holders, farmers, or cultivators of land not necessarily resulting from the execution of their military instructions, from making loans of money to the natives, from employing the troops for any purposes excepting those prescribed by the Magistrate, and from exercising any interference or authority whatever in the internal government of the country. As far as may be practicable, it must be observed as a general rule, to retain the troops within the limits of the principal cantonments or stations, with orders to support the authority of the civil power, to which the administration of the government of the country must be exclusively entrusted.

23. The military power of the state thus directed, may be exercised with the greatest degree of vigour for the maintenance of the authority of the laws, without hazard (by an undue application of military force) of extending and perpetuating the disorders which it was intended to remedy.

24. These principles are entirely unconnected with the political importance of the military power. With reference to our foreign relations, to our alliances and dependencies, we must rely on the superiority of our arms for the defence of our possessions in India against foreign enemies; but we cannot depend exclusively upon the same means for the maintenance of internal tranquillity, or for the cultivation and improvement of those sources of public wealth, which are to be found in the prosperity and happiness of a contented people. A frequent necessity for the employment of military force in the internal administration of the country, is a sufficient evidence of a defective system of government; if our Government be not constituted on principles which must interest our subjects in its continuance, if their obedience to our authority cannot be secured otherwise than by the constant employment of a military force, whenever the public service may require a different application of that force, either in peace or war, whenever the terror of the sword may be suspended, disaffection will break forth in the heart of the country, our resources will be impaired or destroyed, and the foundations of our power will be endangered, because that power has been erected on the precarious principles of terror and force without any support of regular justice, established order, or constituted law. Independently of these evils resulting from a system of government maintained and conducted by military force, the expense of such a plan must continually increase with its inefficacy, while the combined operation of its violence and insufficiency must gradually affect the sources of public wealth and public security.

25. In the territories subject to your Lordship's government to which the new constitution has not been extended, the system of administration is similar in its general principles (however ameliorated in the execution by the characters of individual public officers) to that which prevailed under the native Governments under the most favourable exertions of individual talents and integrity. Such a system of government must produce public and private oppression and abuse: it provides no restraint upon the exercise of power sufficient to ensure the uniform, impartial, and general operation of the laws, and to inspire the people with a sense of confidence and security in the ordinary conduct of private transactions, and in the undisturbed exercise of private rights exempt from those salutary restraints. The public officers may pursue a course of evil administration in many of the subordinate departments of the state without the knowledge of the Government; and the Government may continue ignorant of the abuse of its name and power, until private distress and personal suffering shall compel the people to combine against the authority, whose name and power have been perverted to the purposes of vexation and oppression. In this condition, open resistance affords to the people the sole mode of appeal to the justice of the Government: to that dreadful appeal the most peaceable, industrious, and dutiful people must resort, wherever the laws shall afford no regular organ to convey the complaints of the subject to the ear of the Sovereign. Under such circumstances, it is to be apprehended that the resistance produced by the oppressions of the state, or of its officers, may be ascribed to disaffection in the people, and the Government may be reduced to the necessity of vindicating its authority at the expense of its character for justice. If popular insurrection be suppressed without an actual

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contest between the Government and its subjects, the causes which produced disorder will remain unknown and unremoved. While the same system of government shall exist the same causes will continue to operate, and to perpetuate hostility and distrust between the Government and its subjects. The habit which prevailed among the natives of India of resisting the authority of their own Government, may be ascribed to similar defects in the internal policy of the native states. To the neglect of a timely correction of those defects may be attributed, in a considerable degree, the opposition which the British Government has occasionally experienced from its subjects in different parts of India. When laws shall have been enacted for defining and protecting private rights, when judicial establishments shall have been instituted for the prompt and impartial administration of those laws, we may confidently rely on the obedience of our native subjects. The great mass of the people in India entertain no attachment to any system of political principles, or to any form of government; the natives of these regions are solicitous only for toleration of their religious doctrines, rights, and prejudices, and of their ancient customs and manners, and for security in their domestic concerns. No common interest exists to unite any considerable number of our subjects in any attempt to subvert our Government for purposes of political revolution, for any change of the form of Government, for transfers of wealth or power, or for the attainment of those objects of freedom or privilege which have raised popular commotion in other parts of the globe. In India, each individual will remain unassociated in any league of faction or rebellion, and content with his own security, while our Government shall protect him in the tranquil enjoyment of the few contracted and simple objects of personal comfort which constitute the main sources of his happiness.

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26. The British Government in India, in common with every other Government, must however expect occasionally to experience disaffection, originating in the ambition of individuals, or in other causes altogether unconnected with the principles on which the Government may be conducted, or with the general disposition of the great mass of the people. These cases will form rare exceptions to the general rule, and the employment of a military force in such special instances for the maintenance of the authority of the Government, will neither injure the general prosperity of the country, nor affect the character of our justice or clemency, nor the stability of our power. Partial injuries may result to the people and to the country from internal disturbances originating in such causes: but those injuries, together with the calamities incident to invasion from a foreign enemy, will be attributed by the body of our subjects to the domestic rebel or to the foreign invader, not to the Government; while the peaceable and well-affected inhabitants of our dominions, will rely on the operation of a just and well-ordered system of administration to repair the accidental injuries of rebellion or invasion.

27. It cannot therefore be doubted, that the immediate extension of the new form of Government throughout the territories subject to your Lordship's authority will be productive of the most favourable effects on the resources of the country, and on the character and disposition of the people, and that we may expect to derive from the attachment of our subjects, and from the vigour and purity of our internal administration, a security for the permanence of our power, which can never be attained by any extension or exertion of a military force.

28. The establishment of a regular system of government in the Carnatic, Tanjore, and Malabar, and throughout the territories subject to your Lordship's authority, is of particular importance at the present juncture of affairs in Europe. If the settlements formerly possessed by the French and Dutch on the continent of India shall ever be alienated from the British power, it may become necessary to admit a considerable number of the subjects of those nations into our territories for the superintendence of their commercial speculations. It is of the highest importance to the British interests that the conduct of those foreigners should be subjected to the strictest control. It does not appear to be practicable to devise a more just and satisfactory test of the nature of the conduct of such foreigners, than that which will result from the ordinary administration of the laws under the new constitution. While the subjects

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subjects of those nations shall refrain from transgression of the laws, your Lordship in Council will possess sufficient evidence that their general conduct is not openly inconsistent with the British interests, with the respect due to the authority of our Government, and with the tranquillity and happiness of our subjects. If the conduct of those foreigners should be of a contrary description, every instance in which they may transgress the laws must come under the cognizance of the Judges and Magistrates of the courts, and your Lordship will be enabled to adopt the measures which it may be necessary to pursue with regard to the offenders. While foreigners shall be subjected to this just and necessary restraint, they will possess the means of informing themselves of the laws by which they are expected to regulate their conduct; and when they shall be apprized that all other foreigners, as well as our own subjects, are equally amenable to the operation of the same laws, they will be deprived of every pretext for claiming dangerous exemption from the restraints of civil and criminal jurisdiction.

29. Deliberating on these important considerations, his Excellency in Council has no hesitation in directing, that your Lordship in Council will be pleased to proceed without delay to establish the Zillah Courts and the Courts of Appeal and Circuit, and to extend the authority of the Sudder Adawlut and the Foujdarry Adawlut throughout the Carnatic, Malabar, Canara, Tanjore, the territories ceded to the Company by the Nizam, and all the countries now subject to the immediate authority of your Lordship's government.

30. Under these orders the powers vested in the Board of Revenue and the Collectors by the clauses of the first and second Regulations, passed by your Lordship in Council in the year 1803, will be abolished, and the authority of the Collector of the Revenue in the newly acquired territories will be limited to the assessment and collection of the revenue, under whatever plan the circumstances of the several districts may render advisable; and those officers will exercise the same powers, and be subject to the same control of the laws and of the Courts of Judicature, as the Collectors of the Revenue in the districts in which a permanent settlement of the land revenue has been concluded, and in which the new constitution has been established. The Collectors of the recently acquired territories will have full leisure to prosecute the inquires which may be necessary for forming a permanent settlement of the land revenue, and that arrangement may be postponed until the completion of those inquiries, and the state of the respective districts shall render it advisable to fix the amount of the land revenue in perpetuity.

31. The instructions of the Governor-General in Council under date the 31st of December 1799, and the orders of His Excellency in Council, of the 18th June 1801, respecting the annexation of the provinces of Malabar and Canara to Fort St. George, state the principles conformably to which the settlement of the land revenue of the districts in which no settlement has been formed must be regulated. Where the necessary inquiries for forming a permanent settlement have not been completed, the settlement should be made for such term of years as local circumstances may render advisable. In all cases it is desirable that the settlements should be formed with the Zemindars or other description of landholders. Where no such descriptions of persons exist, it would be proper to form the lands into estates, and to dispose of them to persons who will attend to their cultivation. These persons, as well as all other landholders, should be permitted freely to transfer their estates, by sale, gift, or in any other manner. * It can never be desirable that the Government itself should act as the proprietor of the lands, and should collect the rents from the immediate cultivators of the soil. The rates of rent payable for the different descriptions of produce must vary in every district, and often in every village. Where any proprietors may be found, they will generally collect those rents agreeably to the specific engagements which they may conclude with their tenants, or according to the established usage of the country. If any differences should arise between the landholders and the tenants regarding those engagements or usages, the courts of judicature will form the proper tribunals for deciding such differences. These questions are of private right, in which the executive authority cannot interfere consistently with justice, policy, or its own interests. The difficulties

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experienced in Malabar in regulating the assessment on the pepper-vines and other articles of produce, and the evils which have resulted from the measures adopted for that purpose, afford most convincing proof of the bad policy of a system of revenue which requires the executive authority of the Government to assume every where the character of a proprietor of land, and to interfere in details which cannot be conducted in a manner favourable to the interests of the cultivator of the soil, and to the extension of agriculture, excepting by the proprietors of the lands.

32. The cultivation of the country must depend on the exertions of the landholders. In order to encourage them to employ those exertions, and to conduct themselves with moderation and justice towards the immediate cultivators of the soil, the annual payments of the landholders to Government should be fixed upon a scale of equity and moderation, regulated with reference to the receipts of Government from the lands or estates of the different landholders for a period of years; and all the authorities of every description employed in the collection of the revenue, including the executive authority of the Government itself, should be rendered amenable for their acts to the control of the laws, according to the rules already established in those parts of the country to which the new constitution has been completely extended. The early extension of these principles to the unsettled districts will combine the interests of the state, as connected with its revenues, with the welfare of every class of its subjects concerned in the cultivation of the lands. It will rest with your Lordship in Council to apply these principles to local circumstances in Malabar, and other districts in which a permanent settlement has not been concluded.

33. The superintendence of the police of the country generally, the administration of justice in all criminal cases and in all civil suits (whether relating to the revenue or otherwise, and whether the parties consist of private persons, or of the Government in its executive capacity, or any of its officers,) will be committed exclusively to the magistrates and to the several courts of judicature, under the regulations passed by your Lordship in Council, conformably to the provisions of the legislature, and to the rules contained in the regulation passed by your Lordship in Council in the year 1802.

34. From the regulations passed by the Governor-General in Council on the 24th March 1803, for the internal government of the provinces recently ceded to the Honourable the East-India Company by the Nawaub Vizier, your Lordship in Council will observe that his Excellency in Council has carried into execution in those provinces the same measures which he has in this letter directed your Lordship in Council to adopt in the Carnatic and in the other territories lately subjected to your government. The provinces of Oude had long been destitute of any regular form of government; no establishments or provisions existed for the security of the person's rights, or property of individuals. The revenues were annually farmed to the persons who offered the most favourable proposals. The provinces exhibited a deplorable scene of extortion on the part of those farmers, and of resistance on the part of the people; many of the principal inhabitants observed a merely nominal obedience to their sovereign; and the resources of the country, with the comforts of the people, were disturbed by disorders originating in a general confusion of public authorities; in the urgent necessities of the state; in the uncontrolled power, corruption, and contumacy of the public officers; and in the hopeless condition of the subject, deprived of every channel of access to public justice. This state of anarchy had occasioned the desolation of a large proportion of those fertile provinces which possessed every natural advantage, but had languished almost to utter decay under the inveterate vices of the native Government of Oude. Within these provinces, when ceded to the Company, the Governor-General in Council directed a settlement of the land revenue for three years to be formed in the first instance, in all practicable cases; and the Lieutenant-Governor, and Commissioners under his Excellency's orders, previously to the establishment of a permanent settlement of the land revenue, concluded two other periodical settlements, one for three and the other for four years, extending the period at which it is proposed to fix the land revenue in perpetuity to eleven years from the date of the cession of those provinces to the British

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Government. Instead of considering the desolate and distracted state of the Ceded Provinces in Oude to afford objections to the introduction of the system of internal government established in Bengal, the Governor-General in Council deemed the prevalence of those calamities to constitute an urgent motive, which enhanced the duty, without obstructing the power of commencing that salutary and politic work, immediately upon the transfer of those declining provinces to the authority of the British Government. The expected benefits have been attained; the revenue on account of the year in which the transfer was made was realized with trivial balance; the revenue of the past year (the first year of the first periodical settlement) has been collected with equal punctuality; the authority of the laws, whenever openly resisted, has been established by the Magistrates, with the temporary aid of the military power, in the manner described for your Lordship's guidance in this letter. A fair prospect exists that, at the expiration of the specified periods of time, the land revenue of those provinces will be fixed on a scale highly advantageous to the Government, and equally beneficial to the people.

35. It is the intention of the Governor-General in Council to extend the same system of government to the Conquered Provinces ceded by the late treaties of peace, as soon as sufficient information can be obtained to enable this Government to fix the subdivisions of those provinces respectively.

36. The Governor-General in Council deems it to be proper to add, that he considers the measures adopted in the provinces ceded to the Company by the Vizier, and the correspondent measures which he now authorizes and directs your Lordship in Council to extend throughout the territories subject to your Lordship's government, to be consistent with the orders of the Honourable Court of Directors, conveyed in their letter to your Lordship in Council dated the 21st of July 1802, regarding the permanent settlement of certain parts of the territories recently annexed to your Lordship's government.

37. If it was the intention of the Honourable Court of Directors that the establishment of the courts of judicature in those territories should be delayed, that intention could only have originated in the supposition that the establishment of the courts must necessarily be accompanied by the conclusion of a permanent settlement of the land revenue. From the observations contained in this letter, the Honourable Court will perceive that the questions relating to private rights and property connected with the settlement of the land revenue, form an inferior proportion of the concerns of the inhabitants of the extensive dominions subject to your Lordship's government; that the general prosperity of those dominions, and particularly the extent of the resources from which the public revenue is derived, depends chiefly on the protection experienced by the people in the engagement of their private rights and properties, and in the conduct of their private concerns and occupations, which are unconnected with the land revenue; and that this protection is not to be expected under the ancient system of internal administration now prevailing in the districts in which the permanent settlement of the land revenue has not been concluded.

38. It cannot, therefore, be doubted, that the Honourable Court will approve the introduction of the new form of government into those districts, as affording the sole security for establishing the settlement of the land revenue, as well as for the welfare and comfort of the native inhabitants. Under the salutary operation of this form of government, the evils and inconveniencies which must otherwise have been experienced in many of the districts by the delay of the permanent settlement of the land revenue will be obviated; the happiness of the people and the tranquillity of the country will be secured, during the progress of the inquiries requisite for forming the settlement; and when the time for completing that arrangement shall arrive, the resources from which the revenue is to be drawn will be enlarged, and the means of securing in perpetuity a just proportion of the wealth of the country for the public use will be improved.

39. The Governor-General in Council observes that the thirty-six Regulations passed by the Governor in Council in the year 1802, and all the Regulations passed by his Lordship in Council in 1803, were printed and published

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at Fort St. George, without having been previously transmitted to his Excellency in Council for his approbation.

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40. It was the intention of the Governor-General in Council, by the instructions issued to the Governor in Council under date the 31st December 1799, to direct that all the regulations which the Governor in Council might frame pursuant to those instructions should be forwarded to his Excellency in Council previously to their being passed into laws. From the observations contained in the letter, your Lordship in Council will observe that his Excellency in Council considers the establishment of the form of internal government described in those instructions throughout the British possessions in the peninsula of India, and the maintenance of the fundamental principles of that system in a state of efficiency, purity, and uniformity, to be essential to the happiness and welfare of the people, to the prosperity of the country, to the interests of the East-India Company, and to the stability of the British empire in India: his Excellency in Council consequently deems it to be his indispensable duty to direct that all Regulations for the better government of the British territories subject to your Lordship's immediate authority which your Lordship in Council may deem it to be expedient to enact in conformity to the Act of Parliament passed in the 37th year of his Majesty's reign, and to the rules contained in the first Regulation passed by your Lordship in Council in the year 1802, may be transmitted to the Governor-General in Council, for his approbation, previously to their being passed into laws.

41. The despatches from the Governor in Council of the annexed dates, respecting the provision of goods on account of private merchants through the agency of the commercial officers of the Company, being intimately connected with the subject of this letter, his Excellency in Council now adverts to those despatches.

42. The memorials of the private merchants, dated the 16th of April 1803, and January 1804, and the nature of the restrictions which the plan imposes on the manufacturers, manifest that the plan is not considered by either of those classes of people to be favourable to their interests; it remains, therefore, to consider how far the plan is consistent with justice and policy, as connected with the political and commercial interests of the Honourable East-India Company. It was evidently supposed by the Honourable the Court of Directors that these considerations either had been fully examined by your Lordship in Council, or that they would obtain your attention previously to your carrying the plan into effect.

43. The Courts of Judicature would certainly consider it to be their duty to interfere to prevent any exclusive appropriation of the labour of the manufacturers, or any compulsory proceedings in the provision of the Company's investments, unless a law were to be passed by your Lordship in Council, according to the prescribed forms, declaring such appropriation and compulsion to be legal.—The Governor-General in Council is firmly convinced that the Honourable Court of Directors would not sanction, as a part of jurisprudence of the British territories in India, a law, of which the operation must be utterly repugnant to every principle of humanity, justice, and good policy.

44. By Act of Parliament, the Company possesses an undoubted right to prohibit British subjects from trading to England in piece-goods. But the Company has never exercised that right, nor does the exercise of that right form any part of the plan now under consideration; on the contrary, the plan proposes to allow to the private merchants a large proportion of the trade in piece goods, in the expectation that when the plan shall have attained a sufficient degree of maturity, the private merchants may withdraw their agents from the interior of the country, and may consent to receive their goods exclusively through the officers of the Company appointed to provide those goods from the manufacturers.

45. The merchants have now declined to avail themselves of the agency of the officers of Government in the provision of their goods under those conditions: the merchants therefore must either be permitted to provide their goods according to former usage, through their own agents, or they must be prohibited from trading to Europe altogether in goods of the assortment in question. Such a prohibition, while the provision of piece-goods on account of

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of the Company is necessarily limited to an amount confessedly much below the manufacturing means of the country, would operate to the great injury of the manufacturers, who have hitherto derived considerable advantage by the sale of their goods to the private merchants; such a prohibition would also materially affect the resources of the territories under the government of your Lordship in Council, and be ultimately injurious to the revenue of Great Britain.

46. The Honourable Court of Directors will determine, under the information which has been submitted to the Court, whether it would be just, politic, or consistent with the purposes for which the Legislature vested the Honourable Company with a power of prohibiting British merchants from trading to Europe in piece-goods, to exercise that right of prohibition unless those merchants shall consent that their goods shall be provided by the officers of the Government in India. Such a stipulation, if enforced, must operate as a prohibition of the trade; and this important question ought to be reserved for the decision of the Honourable Court, empowered by law to decide it.

47. The exclusion, however, of the private merchants from the trade to Europe in piece-goods, either by a direct prohibition, or by an adherence to the present plan of providing the goods of private merchants through the agents of the Company, would not answer the primary object of that plan. That object does not appear to have been the exclusion of the private merchants from a share in this trade, but the exclusive appropriation of the labour of the weavers, and the establishment of a control over that labour, in order to enable the commercial officers to obtain the proportion of the goods required for the Company at prices to be regulated by those officers.

48. But the concurrence of the British merchants in this plan would not be sufficient for the accomplishment of the proposed object. It will probably be always found to be wise and necessary to admit foreign European states, and also the native states of India, to a fair and liberal participation in the commerce of the British territories in India. This participation (which, it may be presumed, will in most cases form the subject of national treaties) necessarily supposes the admission of the agents of these states, whether Europeans or natives, into the interior of the country where the goods are manufactured. It would be impossible, consistently with the spirit in which such treaties will necessarily be framed, to restrain the manufactures from entering into engagements with such agents for the provision of goods, even if the ordinary maxims of justice could tolerate such restraints. The exclusion, therefore, of the British merchants from the trade in piece-goods, by either of the proposed projects would be productive of no other permanent effect, than to force the trade now enjoyed by British merchants into foreign channels, to the great detriment of the British nation and of the Company.

49. If private British merchants could be induced to consent to provide goods through the agency of the officers of the Company, under the conditions required, or if those merchants were to be excluded altogether from the trade, and if the competition of the agents of foreign European and Indian states could be prevented, the necessity for adopting the Regulation proposed by Lord Clive, according to the instructions of the Governor-General in Council, would still subsist. The transactions and dealings between the commercial officers of the Company and the manufacturers of every description would equally require legal control, whether conducted for the benefit of the Company, of the commercial officers, or of the private merchants. To subject those transactions and dealings to the control of just and equitable principles of law, constitutes the principal object of the Regulations proposed by Lord Clive.

50. The Acts of Parliament vesting the Company with certain powers to be eventually exercised, with a view to prevent the private trade of British merchants in piece-goods between India and Europe from injuring the trade of the Company in the same articles, would not warrant your Lordship in Council to continue in the hands of the commercial officers at Fort St. George the uncontrolled authority which they have exercised in the provision of the Company's investment. That authority has been rendered the instrument of oppression by the subordinate officers, and is still proposed to be employed for purposes inconsistent with justice, and with the real interests of the Company.

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51. The necessity of depriving the commercial officers of all undue authority is the more urgent, in consequence of the exclusive trade carried on by the commercial officers stationed in the interior of the country on their private account; while they shall continue to exercise such powers in the provision of goods for the investment of the Company, it must be expected that they will employ the same powers in the conduct of their private concerns.

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52. In exercising the government of the British empire in India, the Company is bound by the obligations inseparably connected with the functions of sovereignty. No charter or Act of Parliament has absolved the Company from any of those obligations, nor has that great commercial body, nor has the Court of Directors indicated any disposition which can warrant the servants of the Company in India to commit any act inconsistent with the duties of a just and wise sovereign power towards its subjects. Among the primary obligations of that high and sacred office of sovereignty, is the protection of every class of the Company's subjects in the fair enjoyment of the fruits of their labour and the work of their hands. No prospect of commercial gain or advantage could justify the violation of that obligation by a compulsory appropriation of the labour of the manufacturer to the exclusive benefit of the Company, and by an arbitrary valuation of that labour and of its fruits.

53. The operation of such a system on the general commerce and prosperity of the country must be deeply injurious, and the same causes must ultimately injure the Company's investment. Under that system no injunctions on the part of Government against unjust dealings and the oppressive exercise of authority can be expected to avail, while the numerous Europeans and native officers and agents employed in the provision of the investment shall possess the power of departing from the principles of justice, or shall derive any private advantage from such a deviation. No case can be imagined in which the active interposition of legal control can be more necessary than in the extensive commercial transactions of the executive authority of the Governments in India with the manufacturing class of the subjects of those Governments. The exemption of the officers employed in the immediate conduct of such transactions from the general control of the laws, or the delegation to those officers of any exclusive authority over the labour or persons of the manufacturers, would arm those subordinate agents with powers which the executive authority self does not exercise in any branch of the internal government of the country, or in any question of private rights and property between the state and its subjects. The nature and extent of the trade of the British Government in India with the manufacturers and other classes of its subjects must necessarily expose those subjects to the most grievous oppression, if the agents employed in the superintendence of that trade be vested with uncontrolled powers. The evils to be apprehended from the existence of such a relation between the Government and its subjects cannot be averted otherwise than by requiring the public commercial agents to conform their dealings to those principles of justice which private individuals must observe, and by subjecting the public commercial agents equally with such individuals to the control of the laws, and to the process of the courts of justice.

54. Until the manufacturers shall be allowed the option of accepting or of rejecting the employment of the Company, and shall receive a fair price for their labour, it cannot be expected that they will work for the Company with cheerfulness and good-will. A system of coercion and injustice on the part of the Government, will necessarily produce among the manufacturers habits of contumacy, idleness, and profligacy. The true remedy for these evils, in whatever degree they may exist, will be found in the adoption of principles calculated to encourage industry and to promote fair dealing. The example must commence with the Government; the Government must be just in its character of sovereignty, and honest in its capacity of merchant, before it can require obedience, honesty, or industry from its manufacturing subjects.

55. The emancipation of the manufacturers from all control (excepting that of the law applicable to the case of deviation from voluntary engagements with the commercial officers) will neither affect the quality of the goods, nor improperly raise their price, nor limit the extent of the Company's provision.

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56. The standard quality of the Company's assortments is well known to their officers. The rejection of goods not of that quality, and the exaction of the stipulated penalties for breach of engagements, are the obvious and effectual remedies against the manufacture of goods of an inferior quality. The proposed regulation for stamping goods would not promote this object, and would probably be attended with much vexation and trouble to all parties concerned in the manufacture or purchase of goods.

57. With regard to the price of the goods, in the cases in which the prices now paid for the required assortments are not sufficient to afford the manufacturer a fair reward for his labour, the prices must be raised; where the prices offered are sufficient for that purpose, it is evident that the manufacturers must ultimately accept those prices. It would be impossible to form, among the numerous manufacturers employed by the Company, a combination of sufficient extent or duration to enable them to exact permanently or generally an unreasonable price for their goods.

58. The Governor-General in Council, however, deems it to be unnecessary, on this part of the question, to examine whether the prices paid for the goods manufactured on account of the Company be reasonable or otherwise; the fact will be best ascertained by regulating the provision of the investment conformably to the principles herein stated. His Excellency in Council cannot rely upon any other criterion for determining this question than the voluntary acquiescence of the manufacturers, under the protection of the laws, in the price offered for their labour. No calculation can afford a due test of the just proportion between the price offered by the Company and the value of the labour of the manufacturer while the manufacturer shall be compelled to accept that price; when all undue restraint shall have been removed, the price of labour and the value of the goods must find their just level. It is difficult to estimate the value of an article of commerce which is purchased at a compulsory price, and in such a case the most fallacious calculation would probably be that of the forcible purchaser.

59. With regard to the extent of the provision of goods on account of the Company, it cannot be doubted that a faithful adherence on the part of the commercial officers to the principles now prescribed for their guidance, will enable them gradually to engage all the most skilful workmen in the employment of the Company. The relation in which the commercial officers stand towards the Government of the country; the superior knowledge regarding the manufactures which those officers posssess; their means of obtaining a command of money, and their constant residence on the spot, afford to them advantages in the conduct of the commercial concerns of the Company which, combined with fair and honourable dealing, will enable them to prevent any evil effects from the competition of private traders.

60. The Governor General in Council is satisfied that the interests of the Company, as connected with their investment at Fort St. George, cannot be successfully maintained otherwise than by a system founded on the principles now prescribed to your Lordship in Council. The Governor-General in Council therefore deems it to be his indispensable duty to direct that no further time should be lost in resorting to those established and solid maxims of fair trade sanctioned by the uniform practice and experience of every wise state which has cultivated and encouraged commerce in the spirit of integrity, liberality, and honour, for the general welfare of its subjects, for the diffusion of opulence, and for the security of peace and good order, by the protection of industry in the undisturbed enjoyment of the fruits of honest labour.

61. The Governor-General in Council is persuaded that these maxims will experience a fair and honourable trial under the administration of your Lordship in Council; if, after such a trial, it shall still be deemed requisite to employ the exertion of authority for the provision of the Company's investment at Fort St. George, it will then become necessary to consider to what extent the British Government (consistently with its most sacred duties) can withhold from the manufacturers residing in the territories under your Lordship's immediate authority that protection, with respect to their rights, persons, and property, which the manufacturers derive from the just and equitable system of laws

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which now forms the constitution of the internal government of this presidency.

62. The Governor-General in Council, however, entertains a confident reliance that neither the Honourable the Court of Directors nor the Supreme Government of India will ever be required to decide an alternative of such difficulty and danger. Salutary practical consequences may be reasonably expected to result from just principles of policy; nor could the experience of long success be admitted to warrant the continuance of any system manifestly contradictory to justice, humanity, and wisdom; but the rule prescribed to your Lordship in Council is not only just in its principle, but approved and confirmed by long experience and practice in the conduct of the commercial affairs of the Company in Bengal.

63. Complaints of a nature similar to those stated by the commercial officers at Fort St. George were formerly urged at this presidency. To obviate those complaints, measures of restraint and compulsion were frequently adopted. Those measures, aggravated by other causes, produced the most mischievous consequences to the trade and prosperity of the country; the investment continued to decline in quality and to rise in price, and a general disinclination prevailed among the weavers and manufacturers to work for the Company.

64. The remedy for those evils was found by regulations for the provision of the investment of the Company through the agency of the commercial servants of the Company, upon the principles prescribed in the plan adopted by the Governor-General in Council in the year 1787, and in the subjection of those servants and their native officers to the jurisdiction of the Courts of Judicature for every act done in their official capacity by the thirty-first Regulation of 1793. The investment in Bengal, with few exceptions, has since been provided by advances made, without the intervention of any contractor, broker, or other person, to the manufacturers by the servants of the Company, who receive a commission on the value of the goods provided. The regulation under which the goods are provided, and also the rules by which the Courts of Judicature regulate their decisions, in all cases connected with the commercial concerns of the Company, and those of the private-traders of every description, are laid down in the thirty-first Regulation of 1793, passed by the Governor-General in Council.

65. During the long period of time which has elapsed since the arrangements contained in that Regulation have been in force, they have answered all the purposes for which they were adopted; and your Lordship in Council will find that this wise and humane regulation, together with the code of Regulations enacted from time to time by the Governor-General in Bengal has not only been confirmed by the Honourable Court of Directors, but also has received the sanction of Parliament, by the Act of Parliament passed in the year 1797.

66. Since that Regulation has been in force in Bengal, the private merchants of every description have enlarged their concerns to an unprecedented extent, without prejudice to the investment of the Company, which has in general greatly improved in quality and diminished in price; and the weavers and manufacturers, instead of manifesting an aversion to work on account of the Company, prefer the employment of the Company to any other engagements.

67. It was, therefore, upon the grounds of long experience, as well as on the general principles of justice, that the Governor-General in Council, in his instructions of the 31st December 1799, recommended to the Governor in Council of Fort St. George to conduct the provision of the Company's investment at Fort St. George according to the rules adopted in Bengal. Under that system, the commercial officers of the Company must necessarily acquire the knowledge requisite to qualify them for superintending the provision of the goods; and the residence of those officers in the districts in which the manufactures are produced, the influence which they must derive from their official situations, their personal intercourse with the weavers and their command of money, accompanied by the effects of that just and equitable conduct which they and their native servants must observe when subject to the jurisdiction of the Courts of Judicature, will soon enable the Commercial Officers to ensure the voluntary services of the manufacturers to the desired extent, and to provide goods of the best quality at the most reasonable rates at which they can be afforded.

Bengal Government to Madras Government, 19 July 1804

68. The Governor-General in Council cannot, therefore, doubt the justice and policy of directing that the system of agency which your Lordship in Council has already partially adopted be extended, as early as may be practicable, to every branch of the Company's investment at Fort St. George; that no goods be, under any circumstances, provided by the officers of Government on account of individuals; and that until the final orders of the Honourable Court of Directors on the subject shall be received, the provision of the investment of the Company, and the trade of private merchants of every description in the interior of the country, be conducted agreeably to the regulation proposed by Lord Clive, in conformity to the spirit of the thirty-first Regulation of 1793 passed in Bengal, and that the regulation proposed by Lord Clive be passed into a law at Fort St. George.

We have, &c.

Fort William,
19th July 1804.

(Signed) WELLESLEY,
G. H. BARLOW,
G. UDNY.